

NOTICE OF MEETING

CITY OF BRANSON



PLANNING & ZONING COMMISSION REGULAR MEETING

Regular Meeting – Tuesday, January 4, 2011 – 7:30 p.m.
Council Chambers – Branson City Hall – 110 W. Maddux St.

PLANNING & ZONING COMMISSION AGENDA

January 4, 2011
7:30 p.m.
Council Chambers

CHAIRPERSON'S ANNOUNCEMENTS

PUBLIC COMMENTS

CONSENT

1. Roll Call.
2. Approve Agenda.
Recommended Action: Approve the format of the January 4, 2011 agenda.
3. Approve Minutes.
Recommended Action: A) Approve the minutes of the October 5, 2010 study session.
B) Approve the minutes of the October 5, 2010 regular meeting.

OLD BUSINESS

PUBLIC HEARINGS

4. Request For A Planned Development Amendment To PD 2005-003 And To Include 101 Covered Bridge Drive, Branson, Missouri.
Project No. 10-00500003.
Applicant: Long Land Ventures.

OTHER BUSINESS

ADJOURNMENT

**Branson Planning and Zoning Commission
Staff Report and Recommendation
Project No. 10-00500003**

LOCATION: 109 ASHBROOKE DRIVE AND 101 COVERED BRIDGE DRIVE

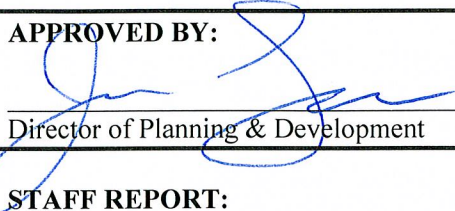
OWNER/APPLICANT: LONG LAND VENTURES LLC

ITEM/SUBJECT: REQUEST FOR A PLANNED DEVELOPMENT AMENDMENT
TO PD 2005-003 TO INCLUDE 101 COVERED BRIDGE DRIVE,
BRANSON, MISSOURI

DATE: JANUARY 4, 2011

INITIATING DEPARTMENT: PLANNING & DEVELOPMENT

APPROVED BY:


Director of Planning & Development

12/15/10
Date

STAFF REPORT:

A Planned Development Amendment Application has been received from Long Land Ventures to amend Planned Development 2005-003, known as Audubon Place. The applicant previously amended this PD and received approval from the Board of Aldermen in February 2010, by ordinance 2010-008.

The main component of the proposed amendment is the addition of a single property known as 101 Covered Bridge Drive. The property is approximately 0.694 acres more or less, and is currently located outside the city limits; however, is going through the annexation process. The property is bordered by Shepherd of the Hills Expressway's right-of-way to the south and east, and the Audubon Place Planned Development and a ten (10) acre parcel zoned A Agricultural to the north. The addition of this property to the PD will allow the applicant to locate the Covered Bridge RV Resort's entrance at a feasible location along Shepherd of the Hills Expressway.

Additionally, other modifications are being proposed as a part of this amendment to better reflect the applicant's current plans. One of these modifications is that the allowable uses within the RV Resort portion are being proposed to be more inclusive of the applicant's intent. Therefore, the following uses are proposed to be added: a general store for Resort guests only, a fenced storage facility for RV related materials, an enclosed storage facility for off-season RV storage and a covered bridge entrance. Other modifications to the PD include the elimination of the private residential collector street classification, the redefinition of street tree requirements and the addition of detailed drawings for proposed structures and elements to be built within the Covered Bridge RV Resort.

STAFF RECOMMENDATION:

Staff recommends approval of the Planned Development Amendment subject to the following conditions:

1. The property located at 101 Covered Bridge Drive shall receive approval for annexation into the City of Branson; and,
2. A surface treatment for the surfaced storage facility, other than gravel, shall be approved by the City Engineer prior to the First Reading to the Board of Aldermen.

3. All conditions of this resolution authorizing the issuance of this Planned Development Amendment shall be met on or before July 4, 2011.

COMMENTS:

No additional comments were received by any of the departments relating to the applicants request.

ATTACHED INFORMATION:	1)	Planned Development Amendment Application
	2)	Vicinity Maps
	3)	Resolution No. 10-00500003



CITY OF BRANSON
PLANNING & DEVELOPMENT
110 W MADDUX ST, SUITE 215
PHONE: (417) 337-8535
FAX: (417) 334-2391

FOR OFFICE USE ONLY: Project No. <u>10-5.3</u>	
FEE & CODE: <u>\$100.00</u>	<u>PDA</u>
DATE & INITIALS: <u>11/23 TN</u>	
PAYMENT TYPE: <input type="checkbox"/> CASH Receipt # _____	
<input checked="" type="checkbox"/> CHECK # <u>11744</u>	
<input type="checkbox"/> CREDIT CARD REF # _____	
PUBLIC NOTICE DATE: <u>12/18</u>	
PUBLIC HEARING DATE: <u>1/4</u> @ 7:30 PM	

PLANNED DEVELOPMENT AMENDMENT APPLICATION

Applicant Name (Please Print): Long Land Ventures LLC

Applicant Address: 200 Big Run Road, Lexington, KY 40503

Phone Number: 859-216-3036 Fax Number: 859-219-2487 Email: thc@lcmcompany.com

Applicant requests that PD - 2005-003 be amended for property described herein and located at:

Street Address: SHEPHERD OF THE HILLS EXPRESSWAY

REQUIRED INFORMATION TO BE INCLUDED BEFORE APPLICATION WILL BE ACCEPTED

☒ Please attach a recent copy of the WARRANTY DEED/DEED OF TRUST

☒ Please attach a copy of the PD Plan and proposed amendments to the Land Use Regulations.

Purpose or reason for amendment: TO BETTER REFLECT CURRENT PLANS

Current use of property: VACANT.

Restrictions: (Note: zoning WILL NOT supersede deed restriction(s), if any.)

☒ No deed restrictions

☐ A list of restrictions have been attached.

PROPERTY OWNER/AGENT INFORMATION

Owner's Name (Please Print): Long Land Ventures LLC

Owner's Address: 200 Big Run Road, Lexington, KY 40503

Phone Number: 859-216-3036 Fax Number: 859-219-2487 Email: thc@lcmcompany.com

Owner's Signature: [Signature] aced, Authorized Member

Agent's Name (Please Print): YUNG DESIGN GROUP

Agent's Address: 110 WEST ADAMS, BRANSON, MO. 65616

Phone Number: 859-216-3036 Fax Number: 859-219-2487 Email: thc@lcmcompany.com

Agent's Signature: 335-8235 [Signature] 335-8236 bill@yungdesign.com

ACKNOWLEDGMENT OF PROPERTY OWNER

STATE OF Kentucky)
COUNTY OF Fayette) SS.

On this 22nd day of November, 20 10, before me personally appeared Ted Collier, to me known to be the person described in and who executed the foregoing application, and acknowledged that he/she executed the same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Lexington, Kentucky the day and year first above written.

/s/ 
Notary Public

My term expires 11-25-10

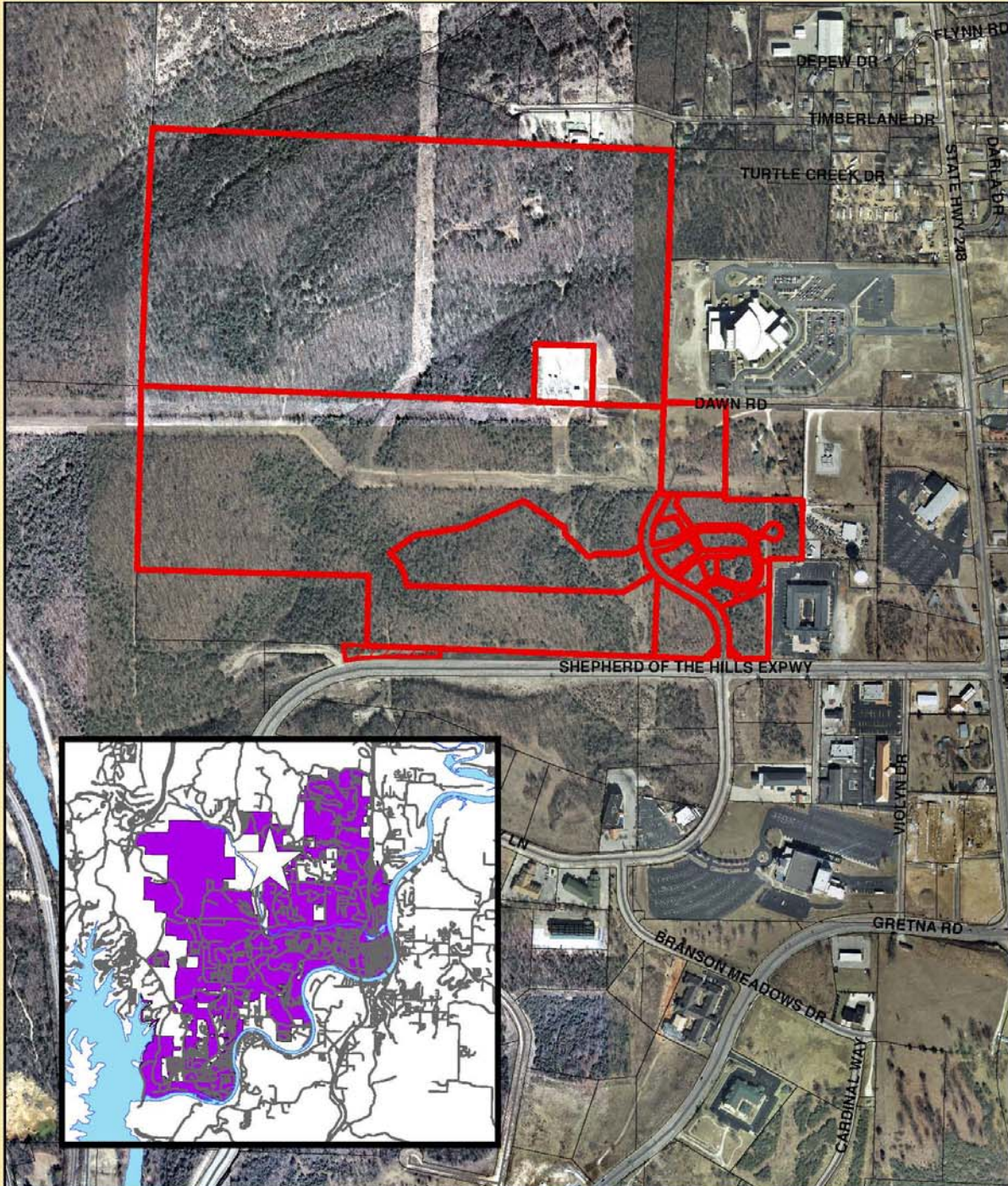
VICINITY MAP

Audubon Place/Covered Bridge Resort City of Branson, Missouri

City of Branson, Taney County, Missouri
Planning and Development Dept.
December 2010



0 137.5 275 550 825 1,100 Feet



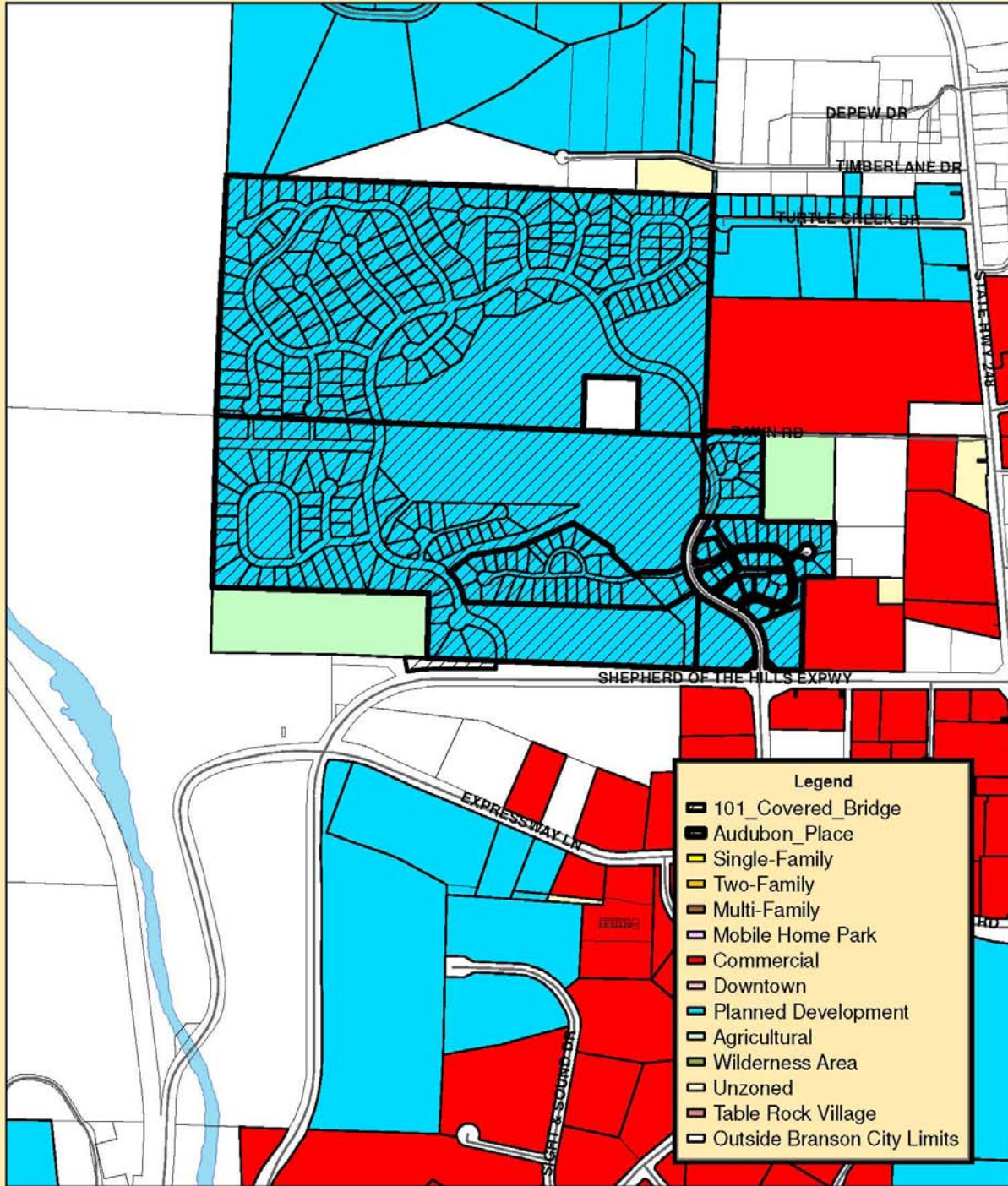
VICINITY MAP

Audubon Place/Covered Bridge Resort City of Branson, Missouri

City of Branson, Taney County, Missouri
Planning and Development Dept.
December 2010



0 150 300 600 900 1,200 Feet



PLANNING AND ZONING COMMISSION

RESOLUTION NO. 10-5.3 (10-00500003)

A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO PD 2005-003 TO INCLUDE 101 COVERED BRIDGE DRIVE, BRANSON, MISSOURI.

WHEREAS, an application has been submitted to the City of Branson by Long Land Ventures for approval of a Planned Development Amendment to PD 2005-003 to include 101 Covered Bridge Drive for property legally described as follows:

Tract 4 - SCB, L.C. Tract

A tract of land being part of the South 1/2 of the Northeast 1/4 of Section 25, in Township 23 North – Range 22 West, Taney County, Missouri and being more particularly described as follows:
BEGINNING at the intersection of the right-of-way line of the relocated Shepherd of the Hills Parkway with the North line of said South 1/2 of the Northeast 1/4 of Section 25, said point being distant North 87° 59' 04" West, a distance of 1106.02 feet from the Northeast corner thereof and being the Northeast corner of property of SCB, L.C. as described in the deed recorded as document number 2007L52080 in the Taney County Records; thence along said right of way line of the relocated Shepherd of the Hills Parkway and the boundary lines of said SCB, L.C. property the following courses and distances: South 00° 12' 59" East, a distance of 49.54 feet, South 89° 44' 37" West, a distance of 326.34 feet, along a curve to the left having a radius of 720.00 feet, an arc length of 157.51 feet, a chord which bears South 83° 27' 48" West, a chord distance of 157.19 feet and North 12° 37' 21" West, a distance of 88.69 feet to the aforesaid North line of the South 1/2 of the Northeast 1/4 of Section 25, being also the Northwest corner of aforesaid SCB, L.C. property; thence South 87° 59' 04" East, a distance of 502.01 feet along said North line of SCB, L.C. property and the said North line of the South 1/2 of the Northeast 1/4 of Section 25 to the point of BEGINNING and containing 30,237 square feet or 0.69 acres more or less.

WHEREAS, the Zoning Regulations for the City of Branson, Missouri, require a Public Hearing before the Planning and Zoning Commission for the approval of a Planned Development Amendment; and,

WHEREAS, a Public Hearing was held before the Branson Planning and Zoning Commission on January 4, 2011, at 7:30 pm in the City Council Chambers located at 110 W. Maddux St., Branson, Missouri; and,

WHEREAS, all required documentation and payment of the required filing fee have been received by the City of Branson.

BE IT THEREFORE RESOLVED, that the Planning and Zoning Commission for the City of Branson hereby recommends approval of a Planned Development Amendment to PD 2005-003 at 109 Ashbrooke Drive and 101 Covered Bridge Drive, Branson, Missouri, as described by 'Exhibit 1', attached hereto and incorporated by reference herein.

DONE THIS 4TH DAY OF JANUARY 2011, BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF BRANSON, MISSOURI.

Clark Harris - Chairman

ATTEST:

Jim Lawson Jr. - Director of Planning and Development



SECOND REVISION

A PLANNED DEVELOPMENT

Audubon Place

and

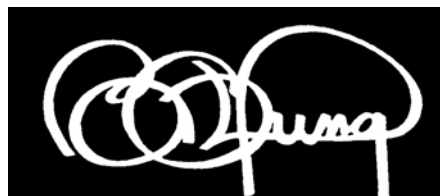
Covered Bridge Resort

PREPARED FOR

LONG LAND VENTURES LLC

200 Big Run Road, Lexington, KY 40503

PREPARED BY



2 December 2010~~2-Feb-2010~~

YUNG DESIGN GROUP, INC. - 110 West Adams, Ste 102 - Branson, MO 65616

417-335-8235 – Fax 417-335-8286 bill@yungdesign.com

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1.00 REGULATIONS GENERALLY APPLICABLE TO ALL TRACTS OF LAND WITHIN THE AUDUBON PLACE / COVERED BRIDGE RESORT PLANNED DEVELOPMENT

1.01 PD Plan • The revised Audubon Place / Covered Bridge Resort PD Master Plan, attached hereto as **Exhibit "A"**, shall be considered a permanent part of these Land Use Regulations. **Exhibit "A"** reflects the PD Master Plan view for the entire property illustrating the proposed mixed-use development. **Exhibit "A1"** shows the master plan in an uncolored format. The proposed development contains approximately ~~168.75~~ 169.38 acres (more or less) and is described by the legal description attached hereto. The property is currently under development. There are several electrical transmission line easements and an electrical substation located within the PD limits. **Exhibit "B"** shows the legal description in map form. **Exhibit "B1"** is the topographical map of the property.

The property is owned by Long Land Ventures LLC, 200 Big Run Road, Lexington, KY 40503 and is represented by Yung Design Group (Agent) who is filing this application. The parcel of land being added to the PD by this amendment is owned by TrenCap Partners LLC, 200 Big Run Road, Lexington, KY 40503. Any modification to the PD Master Plan involving a change in identified land uses or to the intensity of use shall require approval of the Branson Planning and Zoning Commission and the Board of Aldermen for the City of Branson.

1.02 Parcel Development Submittals • All development plans for projects within the city limits of Branson shall require Planning and Development approval prior to construction. Each phase, regardless of the number of parcels contained therein shall be developed as defined under Section 2.0 of this document.

The illustrated plan (**Exhibit "A"**) represents the approved land use groups that can be developed on this property. If that plan is executed without alterations, it shall serve as the approved development plan allowing construction to commence through the normal permitting process. If that plan, or any phase of that plan is significantly altered (such as a change in use) prior to development, a new PD amendment will be required.

1.03 Zoning • The zoning for the development shall be "PD" Planned Development as defined within the codes and ordinances of the City of Branson and the development of this property shall be constructed under the guidelines established by these Land Use Regulations. The PD includes a mixture of commercial and residential uses. For specific items not covered in these Land Use Regulations, the Zoning Regulations of the Branson Municipal Code, consistent with the approved use of the parcel, shall apply. The listing of approved land use categories referred to in this PD would all normally fall within the general zoning classifications C Commercial and R-3 Residential were it developed under conventional zoning.

The attached map - General Land Use Map **Exhibit "C"** - illustrates the approximate limits of each land use as shown on the PD Master Plan. Specific uses permitted within this PD and those, which are included in the C Commercial and R-3 categories as herein amended, will be defined under Section 2.0 of this document.

1.04 Number of Development Parcels • The proposed development shall consist of fifteen (15) parcels with the permitted land uses as identified on **Exhibit "D" - Development Parcel Map** - attached to this document and as further defined under Section 2 of these Land Use Regulations.

1.05 Street Classifications • Both private and public streets shall be constructed within this PD. The public streets are to be constructed by the developer. Specific design standards for each classification of street that will be allowed in this development shall be as follows:

(A) Public Street Standards • (See Exhibit "E") There are two public street standards permitted within this PD; they are; Residential Collector and local Residential.

Public Residential Collector Street - This classification of street shall apply to the primary access street that end in a round-a-bout within the residential housing section (Audubon Place) of this PD. This street is designed to provide access to the various residential development clusters.

The proposed public residential collector street shall be constructed within a sixty foot (60') ROW providing a pavement cross section a minimum of twenty-eight (28') feet from back of curb to back of curb for a two (2) lane roadway. City of Branson 18" wide curb standards will be used for curb and gutter.

Where the collector street intersects with Shepherd of the Hills Expressway, the pavement ~~shall~~ may be divided with a five-foot (5') landscape island and a ten foot (10') protected left turn lane. The precise length of widening to be determined at the time of platting. No parking will be permitted on this street. A four-foot (4') sidewalk shall be constructed on both sides of the roadway providing a minimum five-foot strip of grass between the back of curb and the edge of the proposed sidewalk. The final design of this street improvement shall be determined and illustrated at the time of platting. Street trees shall be required on both sides of the street.

- Local Residential Streets - This classification of street shall be constructed as a public street within a twenty-eight foot (28') ROW. The pavement cross section shall be constructed to provide for a minimum of twenty eight feet (28') from back of curb to back of curb for a two lane roadway and a single parking lane on one side of the street. City of Branson curb standards will be used for curb and gutter.

A four-foot (4') sidewalk shall be constructed on both sides of the roadway. Street trees shall be allowed within the grass strip between the back of curb and the sidewalk or on the lot side of the sidewalk. Street trees shall be required on both sides of the street. The developer will install street trees within one year after the construction of the street. For general tree locations see Exhibit "J". Parking is allowed on only one side of the street and will be signed accordingly.

Private Street Standards • The private streets (See Exhibit "E") to be constructed within this development include ~~Private Residential Collector Street,~~ Private Local Residential Streets, Private Local RV Streets and Private Drives.

- ~~• Private Residential Collector Street - This classification of street shall apply to the primary access streets that ends at the proposed divided cul-de-sac as shown within the RV section of the PD. This street is designed to provide access to the various RV development clusters.~~

~~The proposed private residential collector street shall be constructed within a sixty-foot (60') ROW. The street shall be constructed providing a pavement cross section a minimum of twenty-eight (28') feet from back of curb to back of curb for a two (2) lane roadway. City of Branson 18" wide curb standards will be used for curb and gutter.~~

~~Where the collector street intersect with Shepherd of the Hills Expressway, the pavement shall be divided with a five-foot (5') landscape island and a ten foot (10') protected left turn lane. The precise length of widening to be determined at the time of platting. No parking will be permitted on this street. A four-foot (4') sidewalk shall be constructed on both sides of the roadway within the ROW providing a minimum five-foot strip of grass between the back of curb and the edge of the proposed sidewalk. The final design of this street improvement shall be determined and illustrated at the time of platting. Street trees shall be required on both sides of the street.~~

• **Private Local Residential Street Standards** • The private [local](#) streets (See Exhibit "E") to be constructed within this development ([Audubon Place section](#)) shall be constructed with a minimum width of twenty-four feet (24') from back of curb to back of curb without any designated ROW. Parking is not allowed on either side of the street. Parking is only allowed off street or in separate parking lots. City of Branson 18" wide curb standards will be used for curb and gutter. Building setbacks will be measured from the back of curb. All private streets are to be maintained by the homeowners association.

Street trees will provided where possible on both sides of the street. A four-foot (4') sidewalk will be provided on both sides of the street for those streets where residential units are constructed on both sides of the street. For those streets that only have one side developed with access to residential units, a 4-foot sidewalk shall be constructed only on that side of the street. All private streets will remain private and the City will not be responsible for any maintenance, cleaning, upkeep or other improvements.

• **Private Local RV Street Standards** • The private streets (See Exhibit "E") to be constructed within the RV section ([Covered Bridge Resort](#)) of this development shall be constructed with a minimum width of Twenty Eight (28') from back of curb to back of curb without any designated ROW. [The only approved deviation from this 28-foot street width will be within the covered bridge where the street width shall be reduced to a 24-foot width. Where this street intersects with Shepherd of the Hills Expressway a two-lane covered bridge shall be constructed to cross the drainage at that location. This Covered Bridge shall consist of two twelve-foot lanes and the roadway clearance shall be a minimum of fourteen feet. It shall be constructed on the property line adjacent to Shepherd of the Hills expressway without any required setback.](#)

A right turn lane shall be constructed on Shepherd of the Hills expressway, the length to be determined at the time of platting and there shall be a minimum of 60 feet of storage between the face of the bridge and the existing back of curb of Shepherd of the Hills Expressway.

A four-foot (4') sidewalk shall be constructed from the sales center/general store parking lot across the private street and then on the west side of the roadway to Shepherd of the Hills Expressway. The location of this sidewalk may vary in distance from back of curb providing a minimum five-foot strip of grass between the back of curb and the edge of the proposed sidewalk. A separate pedestrian bridge shall be constructed across the drainage way connecting to the sidewalk along Shepherd of the Hills Expressway.

Parking is not allowed on either side of the street except that 8-foot wide pull off parking lanes can be added in front of the lots where cottages are to be constructed. The only other parking ~~is only~~ allowed is to be provided as off street parking or provided in separate parking lots. City of Branson 18" wide curb standards will be used for curb and gutter. Building setbacks will be measured from the back of curb. All private streets are to be maintained by the homeowners association.

Street trees will provided where possible on both sides of the street. All private streets will remain private and the City will not be responsible for any maintenance, cleaning, upkeep or other improvements.

- **Private Drive Standards** - The private drives developed within this development shall be constructed with a minimum width of twenty-four feet (24') from back of curb to back of curb with parking allowed on either side of all two (2) way streets, and shall be constructed at a ninety degree (90°) angle from the center line of the street and shall be constructed in multiples of not less than five (5) spaces nor more than fifteen (15) spaces without the addition of a planting island. Building setbacks will be measured from the back of curb. All private drives will remain private and the City will not be responsible for any maintenance, cleaning, upkeep, or other improvements.

1.06 Setbacks • Front yard setbacks for all permanent structures shall be measured from the back of curb line of all private streets and drives. There are no setback requirements for Recreational Vehicles in that portion (Covered Bridge Resort) of the development devoted to that use. (See Exhibit "F") The following setbacks shall apply:

1. Front yard setbacks for Single Family dwellings shall be allowed to vary utilizing three setback categories. This variable set back provision will provide variety in house and garage placement minimizing the lining of streets with garage doors.

a. A **10-foot** setback is allowed providing the garage doors are located at ninety degrees from the street line and served as a side load garage. If the garage doors face the street then the garage will be located at least 20 feet from ~~the outside edge of all proposed sidewalks~~ **the back of the curb** for both public and private streets allowing for two cars to be parked in front of the garage. ~~There shall be a minimum of five feet between the back of curb and the inside edge of all proposed sidewalks.~~

b. A **15-foot** setback is allowed for the habitable portion of the structure providing that the garage is located at least twenty feet (20') from the ~~outside edge of all proposed sidewalks~~ **back of the curb** for both public and private streets allowing for two cars to be parked in front of the garage. ~~There shall be a minimum of five feet between the back of curb and the inside edge of all proposed sidewalks.~~ This will also permit garages to be placed at the rear of the house should that configuration better serve the development.

c. A **20-foot** setback measured from the ~~outside edge of all proposed sidewalks~~ **back of curb** for both public and private streets is allowed permitting the design of a home where the garage frontage may be in line with the habitable portion of the structure, still allowing for two cars to be parked in front of the garage. There shall be a minimum of five feet between the back of curb and the inside edge (**edge closest to the curb**) of all proposed sidewalks **utilizing the 20-foot set back provision.**

2. Front yard setbacks for all ~~cabin~~ **cottage** units within the RV portion of this development shall be a minimum of ~~15~~ **thirteen (13')** feet from the back of curb **of the 28-foot street** and it is suggested that this front yard setback be varied from lot to lot, **where possible**, to better fit the topography as well as to provide a less monotonous streetscape. **The front yard setback for any casitas built on RV lots shall be a minimum of ten (10') feet from the back of curb.**

3. Front yard setbacks for all apartment or condo residential units shall be a minimum of **20 feet** from the ROW of any street measured from the back of curb of the parking space, except the setback can be reduced to **10 feet** for any stair tower constructed between the building and the parking lot.

4. Side yard setbacks for single-family homes shall be a minimum of **5 feet** if developed on a platted lot or buildings shall be a minimum of **10 feet** apart if sold by the condominium method of sale. Pinwheel units (attached 4-plex

units) shall be permitted to have two walls of each unit constructed on property lines. There shall be a minimum of 15 feet between all ~~cabin~~cottages in the RV section (Covered Bridge Resort) of this development. ~~There are no side yard setbacks on the RV lots.~~

5. The space between condo, or apartment buildings shall be a minimum of **20 feet** and provision for two buildings being connected with walkways leading to an elevator structure located between the two buildings is permitted.

6. Setback from Development boundaries shall be **25 feet** coinciding with the landscape buffer requirement except it shall be increased to **35 feet** along the Shepherd of the Hills Expressway boundary ~~except for the covered bridge which shall be zero feet setback.~~ A **20-foot** setback shall be used at the perimeter of the electrical substation. A 25- foot setback shall be honored along both sides of the proposed ~~residential~~ collector streets unless it is a side yard setback in which case it can be reduced to **15 feet**.

7. The rear yard setback for all ~~residential~~ units shall be a minimum of **20 feet**. ~~The rear yard setback does not apply to the RV lots.~~

1.07 Lot Sizes • If single-family units are to be sold as whole ownership, the parcel of land upon which the use is located shall be platted as individual lots. Standard single-family lots ~~within Audubon Place~~ shall have a minimum square footage of 6000 sf. This may be reduced to 5500 sf. for patio homes or zero lot line homes. ~~The minimum lot size for either cottage lots or RV lots within the Covered Bridge Resort shall be 3600 sq. feet.~~ Based upon the subdivision design of Audubon Place within this PD, the average square footage per lot for the single-family lots is 7366 square feet. Pinwheel units shall have a minimum square footage of 2500 sf for each unit or 10,000 sf for the pinwheel building. Since the minimum lot size has been reduced to 6000 sf for single-family homes, the allowed square footage of each home shall fall between 1100 and 1600 square feet. Walkout basements can be offered on many lots and if that option is selected the smaller foot print will be utilized so that the homes will stay within the same price range as any other homes in the addition.

~~For those pinwheel or condo units sold by the condominium method of sale, the individual units shall be platted as individual lots. The remainder of the land shall be held in common.~~ For those units to be retained as rental property, the parcel they occupy may be platted as a single lot or individual lots. Open space and/or pedestrian walkways shall either be platted as individual lots or as special easements defining the precise use.

The ~~eabin~~cottage use permitted within the RV section of this development shall consist of only stick built structures, constructed to conform to the Branson Building Codes. The square footage of these ~~eabin~~cottages shall range between 400 and 650 square feet, ~~not including porches or covered decks.~~~~and a~~Any future additions or modifications that would increase the ~~habitable~~ size of these ~~eabin~~cottages is prohibited.

1.08 Height • The maximum height permitted within this development will be measured from the finish floor elevation of the floor that exits directly upon the uphill side of the lot. That height restriction shall be limited to those listed below. **(See Exhibit "G")**

- Parcels 1,3,4,5,6,7,8,9,10,11,12, 14 and 15**35 feet** for single-family uses, RV Resort ~~Casitas~~ and accessory building uses and for commercial uses. (Maximum of Two Stories)
- Parcel 6**50 feet for the clubhouse and sales center -general store.**
- Parcel- 13.....**45 feet** for Pinwheel uses. (Maximum of Three Stories)
- Parcel 2.....**55 feet** for Commercial or apartment uses. (Maximum of Four Stories)

1.09 Vegetation Buffers / Screening • Landscape buffers are required as shown on the attached exhibit and may consist of existing plant material supplemented with new trees and shrubs in combination with earth berms and or fencing or walls. If a wall or fence is provided, the required buffer width can be reduced to **10 feet** for all of the categories listed below. The proposed buffers are as follows.

- A landscape buffer of evergreen shrubs that will not exceed eight feet in height and/or a wooden fence (six feet tall) augmented with shrub plantings shall encompass the proposed RV storage area.
- A proposed landscape buffer along all exterior property lines except for the street frontage along Shepherd of the Hills Expressway shall be **25 feet**. A 20-foot buffer shall be provided around the existing electrical substation site and between any commercial use and any residential use.
- A proposed landscape buffer of **20 feet** shall be provided between any condo, or apartment use and single-family use.
- The screening of all electrical transformers, trash collection devices, exposed utility connections, propane tanks or any other service related facility shall be provided. Trash collection devices shall be screened with a six-foot (6') minimum fence or wall. The base of this fence shall be planted with shrubs, vines or other plant material to soften the appearance of these enclosures. All other utility

features shall be screened with shrubs. Propane tanks, if used, shall be buried or screened with a 6' masonry wall.

1.10 Sidewalks • Sidewalks, when required within this development shall be constructed in compliance with City of Branson codes and ordinances with the following exceptions. Provisions to alter the precise location of these sidewalks and permission to deviate from city standards are possible if an alternative plan is presented and approved during the building permitting process. A distinction between paved sidewalks and unpaved trails and walkways will need to be identified on the sidewalk plan when submitted during the permitting process. Sidewalks if constructed within a public street ROW (ie. Along Shepard of the Hills Expressway) shall be paved in concrete, however other all weather materials may be used as an accent material. All sidewalks shall be constructed at a minimum of four feet (4') in width unless otherwise noted within this document. The required sidewalks shall be as follows: **(See Exhibit "I")**

- A four-foot (4') sidewalk shall be constructed along both sides of the ~~two~~ Private Collector streets within the **residential portion of the development (Audubon Place)** and along the north side of the Shepherd of the Hills Expressway within the limits of this PD **if not already constructed**. All sidewalks on public streets are to be constructed one foot (1') inside the ROW line or shall be located with a minimum five foot strip of grass between the back of curb and the sidewalk on all private streets **unless otherwise authorized by provisions within this PD document**.
- A four-foot (4') sidewalk shall be constructed on the side(s) of the street upon which **residential** units have direct access for all private streets or drives except where parking bays are permitted whereby the sidewalk width shall be increased to six feet 6').
- Sidewalks **or trails** other than those shown in the open space area within the ~~RV-Covered Bridge~~ Resort will not be required. **(See Exhibit I)**

All required sidewalks within the ~~development-PD~~ shall be constructed to satisfy ADA standards where possible. All proposed trails and walkways within the open space areas of this development may be constructed utilizing materials appropriate to the use, i.e. asphalt, bark, mulch, etc.

1.11 Landscaping • All approved parcels within this PD shall be subject to the current adopted City of Branson Landscaping Ordinance with the following exception.

- **The developer shall install street trees on all streets constructed within one year after the streets are accepted by the city engineer.**

- Street trees (**See Exhibit "J"**) shall be provided along all proposed streets where possible within the development.
- Perimeter landscaping may include earth berms, fences and/or walls as part of the landscape concept.

In order to satisfy the City of Branson's twenty percent (20%) rule, which eliminates the requirement to count existing trees over six (6") inches in diameter, the Owner (or any future owners) must meet the following criteria: The total area indicated as common open space or identified as deed restricted easements for open space and trails shall be used to determine the 20% requirement. Trails, sidewalks or amenity features shall be permitted to be constructed within this designated open space area. In the event that the 20% rule cannot be achieved, the developer has the right to either i) count trees over six (6") inch diameter or ii) use the 40 tree/acre x \$50.00/ tree default.

In evaluating the existing plan, there is a total of ~~54.4~~55.07 acres or ~~32.2~~32.5% open space shown on the final drawings. Of that total, ~~23.4~~18.0 acres are within the Electrical Power line Easements. That leaves a total of ~~31.0~~37.07 acres or ~~18.4~~21.88% of the open space within the development. Do to the vast amount of un-buildable land, either in open space or electrical easement open space the development is hereby granted the right to use the 20% rule and will not be charged for tree removal on this development.

To insure that trees within the designated open space area are adequately protected, the perimeter of any such area shall be fenced to prevent any construction traffic within the open space boundaries except for that, which is necessary to construct trails, sidewalks or amenity features. Construction parking or traffic and/or the stacking or dumping of construction materials, waste or construction fluids **is not permitted** within any such fenced area.

1.12 Local and Private Codes and Ordinances • In addition to any of the standards identified in these Land Use Regulations, all construction within this PD is subject to all local Codes and Ordinances as adopted the City. However, any amended standards approved by the Board of Alderman and contained within this document shall take president over those previously approved.

In addition to the City of Branson Codes and Ordinances that must be followed, the RV section of this development shall also be controlled by a property owners association that will employ a full time property manager that will be responsible for daily resort operational duties as well as be responsible to insure that all private codes, covenants and restrictions CC&R's) are followed.

Those private CC&R's shall include a provision that the ~~cabin~~cottages may only be occupied a maximum of 90 consecutive days by a single entity for up to three times within a calendar year but only if the occupant leaves the property a minimum of fourteen days between each 90 day cycle.

This provision is required to insure that these ~~cabin~~cottages are not used as permanent residences while still allowing them to be used as summer or winter homes by the property owners.

1.13 Fire Safety Requirements • All construction shall be in accordance with applicable City of Branson Fire Codes and Ordinances.

1.14 Storm Water Detention • The owner shall insure that the entire PD will comply with the City of Branson storm water detention requirements, however the final design of those detention facilities may include storm water storage in on site detention facilities, in proposed parking lots or may be provided off site by separate agreement, all to be determined during the platting process. It is the intent that the detention requirements will be satisfied by the construction of a detention/lake facility(s) however the final design will be submitted for approval during the permitting process.

1.15 Off-Street Parking • The off-street parking requirements for this development shall generally follow the intent of the off-street parking requirements as written within the Branson Municipal Code.

Exterior parking stalls for the commercial or multifamily components shall be nine feet (9') wide by nineteen feet (19') long with a twenty-four foot (24') drive permitted between two rows of 90 degree parking. The overall dimension for this cross section is sixty-two feet (62') in width. The parking bays are to be constructed adjacent to the lay back curb and/or gutter section permitted on all private streets. Parking stops will be required on all parking slabs. Provision for up to 10% of all required parking can be designed for compact cars. If bus parking is being provided, the total number of automobile spaces required can be reduced by fifteen spaces for each bus parking space.

The specific parking requirements per land use that is approved for this development is as follows:

- Apartments – 1.5 spaces per dwelling unit.
- Condos – 2 spaces per dwelling unit.
- Single-family units – 2 spaces per dwelling unit.
- RV use – 1 space in addition to the RV Bus
- Cottages – 1 space per unit

- RV Clubhouse - 4 spaces /1000 sf of which half can be golf cart spaces.
- Commercial uses – 5 spaces per 1000 gross square foot of building.
- Office and sales center uses – 4 spaces per 1000 square foot of building.

1.16 Special Site Constraints • The site has several significant electrical transmission line easements and an electrical substation that will need to be carefully addressed. Some of these easements also contain buried fiber optics lines. The steep ravines will be difficult to build upon and should be left in their natural condition except for street crossings, utility requirements or detention facilities required.

The plan and these regulations have been prepared to permit the construction of the development as it is currently planned. The goal is to provide regulations that will provide quality development standards without unreasonable limits on marketability.

1.17 Access and Special Use Easements Granted • The landscape buffers and/or easements identified at the perimeter of this PD will also permit the construction of sidewalks, earth berms, entrance monuments and signage within those landscape buffers/easements. The entrance monuments shall be platted as separate easements, however the maintenance of those facilities shall be the responsibility of the homeowners association.

This development shall require that all utilities be installed underground. A minimum ten-foot (10') utility easement shall be platted along both the front and rear of all platted residential lots. (Audubon Place)

1.18 Signage Regulations • This development shall generally follow the adopted sign regulations of the City of Branson except for entrance monuments to either ~~the Single Family component~~ Audubon Place or the ~~RV Resort component~~ Covered Bridge Resort, which the following is permitted: (See Exhibit "N")

- The developer can construct entry monuments on both sides of the entry roads to either section of the PD.
- The monuments shall permit signage to be attached to the front face of each monument defining the name of the development.
- The entry monument walls may be constructed to contain a maximum of 160 square feet, not including the stone base.
- Signage shall be single sided (read from one side only) and allowed on both entrance monument walls.

- Entry monuments are allowed at both entrances to the development from Sheppard of the Hills Expressway.
- Entrance signs can be lighted from ground placed lights or an internal lighting system.
- Electrical outlets can be provided to permit seasonal lighting exhibits to be utilized on a temporary basis for each event.
- Landscaping and an irrigation system are allowed.
- The entrance monument and signage to the Covered Bridge Resort may be integral with the Covered Bridge design. In doing so, however, the Covered Bridge does not become part of the overall monument sign and therefore does not fall within the limitations placed upon entrance monuments. (see exhibit O)

Any additional signage and/or regulations shall be prepared and submitted as a PD Amendment at a later date to define all proposed signage within the development.



2.00 REGULATIONS SPECIFIC TO EACH PARCEL

2.01 Zoning Uses • Normal uses allowed in this zoning district that apply to this development are outlined within this text as set forth in the current adopted Zoning Ordinance. Uses allowed in this PD are as follows:

2.02 Specific uses per Parcel - The attached parcel map **Exhibit "D"** illustrates the boundaries for each parcel and the allowed uses for each parcel are described below.

PARCELS –1 and 2
C1 –Commercial uses

1. Any use permitted in the R-3 Multiple Family Residential District of the Branson Municipal Code. Allowed density 16 DU per acre. (incl. apartments, condos, single family homes, patio homes and zero lot line homes)
2. All commercial uses permitted in the commercial zoning district as defined by the City of Branson Zoning regulation.
3. Clubhouse and related recreational facilities; food preparation facilities for residents only and meeting rooms.

PARCELS – 13
R3 – Mutli-Family uses

1. Any use permitted in the R3 Multi-Family Residential District of the Branson Municipal Code Allowing up to 16 dwelling units per acre, for multi-family uses.
2. The specific approved use for this PD is as illustrated and defined as a Pinwheel unit. (Attached 4-plex building)
3. Clubhouse, cabana, swimming pool, playground and related recreational facilities.

PARCEL – 3,4,5,14 and 15
R1 – Single Family Residential.

1. Any use permitted in the R-1 Single Family Residential District. Allowed density 6 DU per acre. (Incl. Conventional single-family homes, cluster single-family homes, patio homes and zero lot line homes)
2. Clubhouse, cabana, swimming pool, playground and related recreational facilities; food preparation facilities for resident's only and meeting rooms.

PARCEL – 6,7,8,9,10,11 and 12
C1 – Commercial Use limited to RV Resort Uses

1. Resort uses permitted in the C Commercial District. Allowed density 6 DU per acre. (Incl. RV Resort lots for sale or rent and ~~Cabin~~Cottage units for sale or

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rent) Cottages may be constructed on those lots that are illustrated as RV lots on the Master Plan in lieu of being developed as a RV lot.

2. Clubhouse, cabana, swimming pool(s), playground, court games and related recreational facilities; food preparation facilities for resident's only and meeting rooms.
3. Sales center, Rental office and manager's office.
4. General Store – sale of groceries, clothing, gifts, camping supplies other similar commercially related items. Also includes the sale and dispensing of propane. The general store is intended to provide service to owners within the resort or their guests and not to provide service to the general public.
5. Casitas or enclosed outdoor rooms constructed on RV lots to permit a weather protected outdoor living space in addition to the parked Motor Coach. They are stick built and will not exceed 250 square feet.
6. A covered Bridge at the entrance to the Covered Bridge Resort, constructed to permit 14-foot clearance.
7. Fenced gravel surfaced storage facilities for RV related materials.
8. Enclosed storage facilities for off-season RV storage.
- ~~4-9.~~ Maintenance Facilities.
- ~~5-10.~~ Nightly, weekly or monthly rental of lots, RV's or ~~Cabin~~Cottage units.
11. Park and recreational facilities including picnic shelters, gazebos, trails, picnic sites and other similar uses.

2.03 Prohibited Uses

1. Moveable manufactured constructed housing. (Does not incl. temporary job site trailers nor prefab or panelized cottages intended for permanent attachment to foundations.)
2. Nightly rental in R1 and R3 Zoning. (Permitted in Commercial Parcels)



3.00 REGULATIONS SPECIFIC TO INFRASTRUCTURE CONSTRUCTION

3.01 Platting Requirements • A final plat will be prepared in accordance with the current Subdivision Regulations and Codes for the City of Branson in force at the time of platting. The Final Plat shall indicate all streets, lots, drive easements, and utility easements. The developers shall record, at the Taney County Courthouse, the Final Plat and restrictions dedicating those areas and easements. Platting may occur in phases and may include individual lots or multiple lots as a final plat.

3.02 Infrastructure Requirements • All infrastructure shown on the PD Plan, including but not limited to private streets, private drives, curb and gutter, sidewalks, sewer, water, storm drainage, etc., shall be inspected and approved by the City Engineering Department prior to approval of a building permit. The construction of these improvements shall coincide with the platting within each phase and with construction of the primary improvements within that phase.

3.03 PD Phasing • This project shall be constructed under multiple phases as shown on the phase map attached, however, the order of development, the size and configuration of each phase or the number of phases may change based upon market demand. See **Exhibit "K"**

3.04 Infrastructure Construction • Utility service to each platted lot will be

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identified by the developer during the platting process. All new utilities shall be installed underground. Review and approval of those plans will follow the normal procedure utilized by the City of Branson. At the time of development, the owner will be responsible for the extension of water and sewer service within each phase of the 15 development parcels, as shown on the PD Plan. This will be required during the building permit process. Final plans for these improvements shall be submitted to city staff for review and approval at that time.

Sewer service will be provided by the City of Branson as per the City of Branson Ordinance 96-057, and ordinance voluntarily annexing property to the City of Branson and the pursuant reference to Section 71.012 RSMO 1969 as amended by laws of 1986 which states that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

Since two existing sewer manholes are adjacent to the property, it has been determined that the developer can tie into this system for the existing platted single family phase_for sewer service, and that phase one and phase two Sewer service for the remainder of the site shall be provided according to the redesigned sewer service plan that shall be submitted to the city for approval.

Water service is to be provided by Taney County Water District #3 and final details of the service are to be determined with that board.



LEGAL DESCRIPTION

PROJECT ~~BOUNDARY~~-LEGAL FOR THE PLANNED UNIT DEVELOPMENT DOCUMENT. THIS ~~BOUNDARY~~ LEGAL DEFINES THE LAND AREA LIMITS OF THESE REGULATIONS

TRACT 1:

All of the N1/2 of the NE1/4 of Section 25, Township 23, Range 22, Taney County, Missouri.

TRACT 2:

All of the S1/2 of the SE1/4 of Section 24, Township 23, Range 22, Taney County, Missouri.

EXCEPT a tract of land situated in the S1/4 of the S1/4 of Section 24, Township 23N, Range 22W, being more particularly described as follows: beginning at the Southeast corner of said Section 24: thence North 88° 46' 56" West along the South line of said Section 24. 374.29 feet for a new point of beginning: thence continues North 88° 46' 56" West along said South line, 300.00 feet; thence North 1° 13' 04" East. 300 feet; thence South 88° 46' 56" East, 300.00 feet; thence South 1° 13' 04" West, 300.00 feet to the new point of beginning, also an

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easement 30 ft. wide being the North 30 ft. of the NW1/4 of the NW1/4 of Sec. 30. Twn. 23, Rng. 21 lying West of the state highway 248 and continuing West along the South line of Sec. 24, Twn. 23, Rng. 22 to provide access of the above described tract from State Highway 248.

SUBJECT to that certain Deed of Trust dated August 2, 1985, and recorded in the real estate records of Taney County, Missouri in Book 334 at Page 541-543.

TRACT 3:

The N1/2 of Lot 3 NW1/4 of Section 30, Township 23, Range 21, Taney County, Missouri. Together with the existing road to access highway 248.

EXCEPT commencing at the Southeast corner of the N1/2 of Lot 2 of the NW1/4 in Section 30, Township 23, Range 21, thence in a Westerly direction along the Southerly line of the said N1/2 of Lot 2 a distance of 252 feet to the point of beginning, thence North 58 feet, thence West 48 feet, thence South 58 feet, thence East 48 feet to the real point of beginning; ALSO EXCEPT a tract of land beginning at a point approximately 741 feet East of the Northwest corner of the NW1/4 of the NW1/4 (or N1/2 Lot 2 of the NW1/4), thence South 800 feet, thence East 400 feet thence North 800 feet, thence West to the point of beginning, in Section 30, Township 23N, Range 21W; ALSO EXCEPT a tract of land situated in the N1/2 of Lot 2 of the NW1/4 of Section 30, Township 23 North, Range 31 West, Taney County, Missouri, being more particularly described as follows: Beginning at the Southeast corner of said N1/2 of Lot 2 NW1/4, thence South 89° 21' 08" West, 252.00 feet, thence North 0° 38' 52" West 58.00 feet, thence South 89°21'08" West 48.00 feet, thence South 0°38'53" East, 58.00 feet, thence South 89°21'08" West 271.50 feet, thence North 0°00'59" East, 536.97 feet (Plat Book 22, page 51, 533.84), thence North 89° 21' 08" East. 565.27 feet (Plat Book 22, page 51, 565.565), thence South 0°38' 52" East 536.94 feet, (Plat Book 22, page 51, 538.91) to the point of beginning, containing 6.94 acres, more or less.

And

EXCEPT a tract of land situated in the North ½ of Lot 2 of the NW1/4 in Fractional Section 30, Township 23 North, Range 21 West in Taney County, Missouri, being more particularly described as follows: Beginning at the northeast corner of the North ½ of Lot 2 of the NW1/4 of said Section 30, thence South 88° 05'47" West along the north line of said Lot 2 NW1/4. 400.00 feet to the New Point of Beginning; thence south 1°54'13" East 499.09 feet; thence South 88°05'47" West 402.00 thence North 1°54'13" West 499.09 feet; to a point on

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the North line of the North ½ of Lot 2 of the NW1/4 of said section 30; thence North 88°05'47" East along said north line 402.00 feet to the new point of beginning, containing 4.61 acres more or less. Subject to all easements and restrictions of record. ALSO together with the existing road easement to access highway 248.

Tract 4 - SCB, L.C. Tract

A tract of land being part of the South 1/2 of the Northeast 1/4 of Section 25, in Township 23 North – Range 22 West, Taney County, Missouri and being more particularly described as follows:

BEGINNING at the intersection of the right-of-way line of the relocated Shepherd of the Hills Parkway with the North line of said South ½ of the Northeast ¼ of Section 25, said point being distant North 87° 59' 04" West, a distance of 1106.02 feet from the Northeast corner thereof and being the Northeast corner of property of SCB, L.C. as described in the deed recorded as document number 2007L52080 in the Taney County Records; thence along said right of way line of the relocated Shepherd of the Hills Parkway and the boundary lines of said SCB, L.C. property the following courses and distances: South 00° 12' 59" East, a distance of 49.54 feet, South 89° 44' 37" West, a distance of 326.34 feet, along a curve to the left having a radius of 720.00 feet, an arc length of 157.51 feet, a chord which bears South 83° 27' 48" West, a chord distance of 157.19 feet and North 12° 37' 21" West, a distance of 88.69 feet to the aforesaid North line of the South ½ of the Northeast ¼ of Section 25, being also the Northwest corner of aforesaid SCB, L.C. property; thence South 87° 59' 04" East, a distance of 502.01 feet along said North line of SCB, L.C. property and the said North line of the South ½ of the Northeast ¼ of Section 25 to the point of BEGINNING and containing 30,237 square feet or 0.69 acres more or less.

EXHIBITS AS REFERENCED IN NARATIVE



EXHIBIT
A

MASTERPLAN

AUDUBON PLACE

NOT TO SCALE -
FOR REPRESENTATIONAL
PURPOSES ONLY



OCT 26, 2009



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EXHIBIT
A

MASTERPLAN

AUDUBON PLACE / COVERED BRIDGE RESORT

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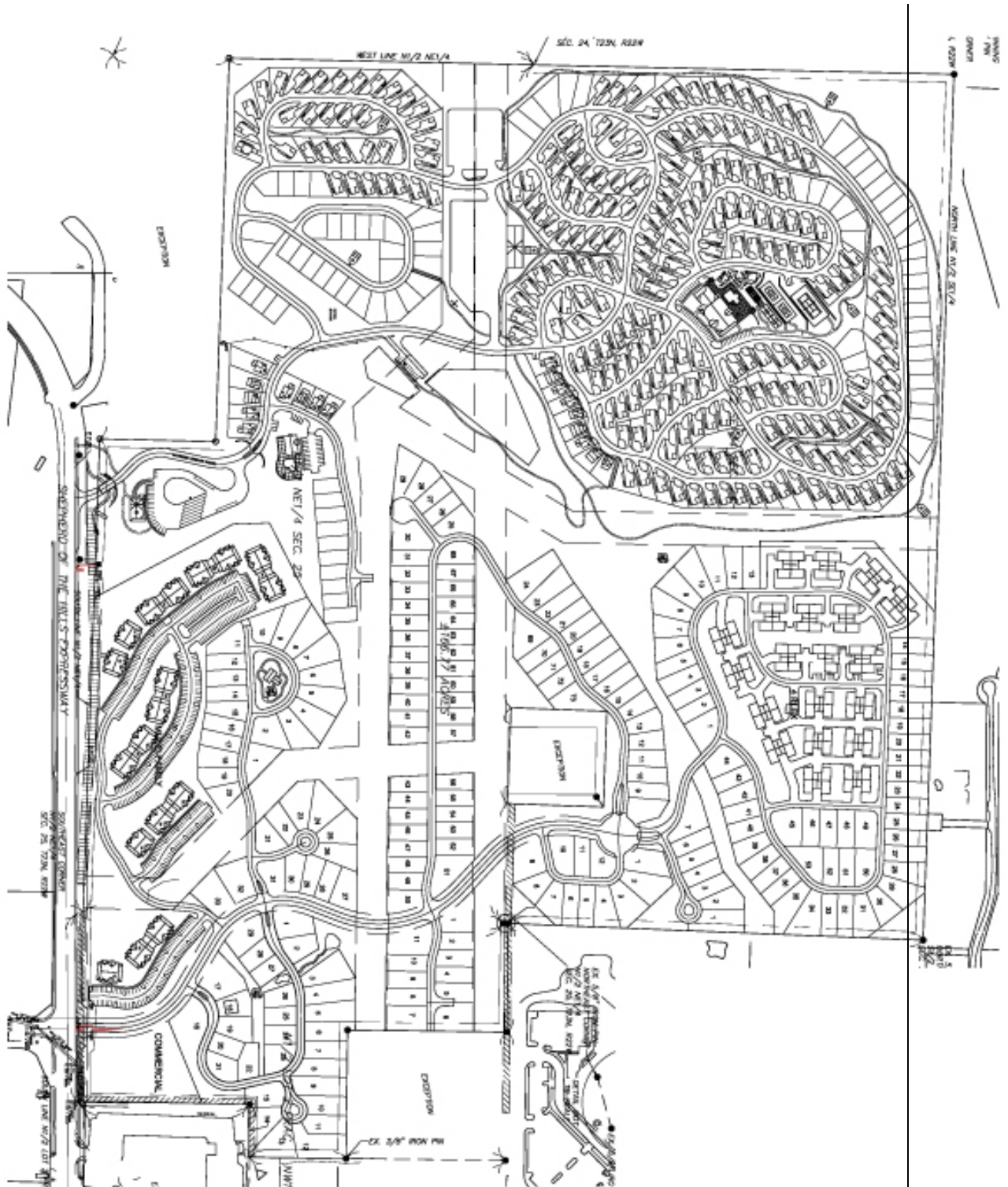
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EXHIBIT A1 MASTERPLAN
AUDUBON PLACE

NOT TO SCALE -
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 PURPOSES ONLY





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FOR REPRESENTATIONAL
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EXHIBIT
A1

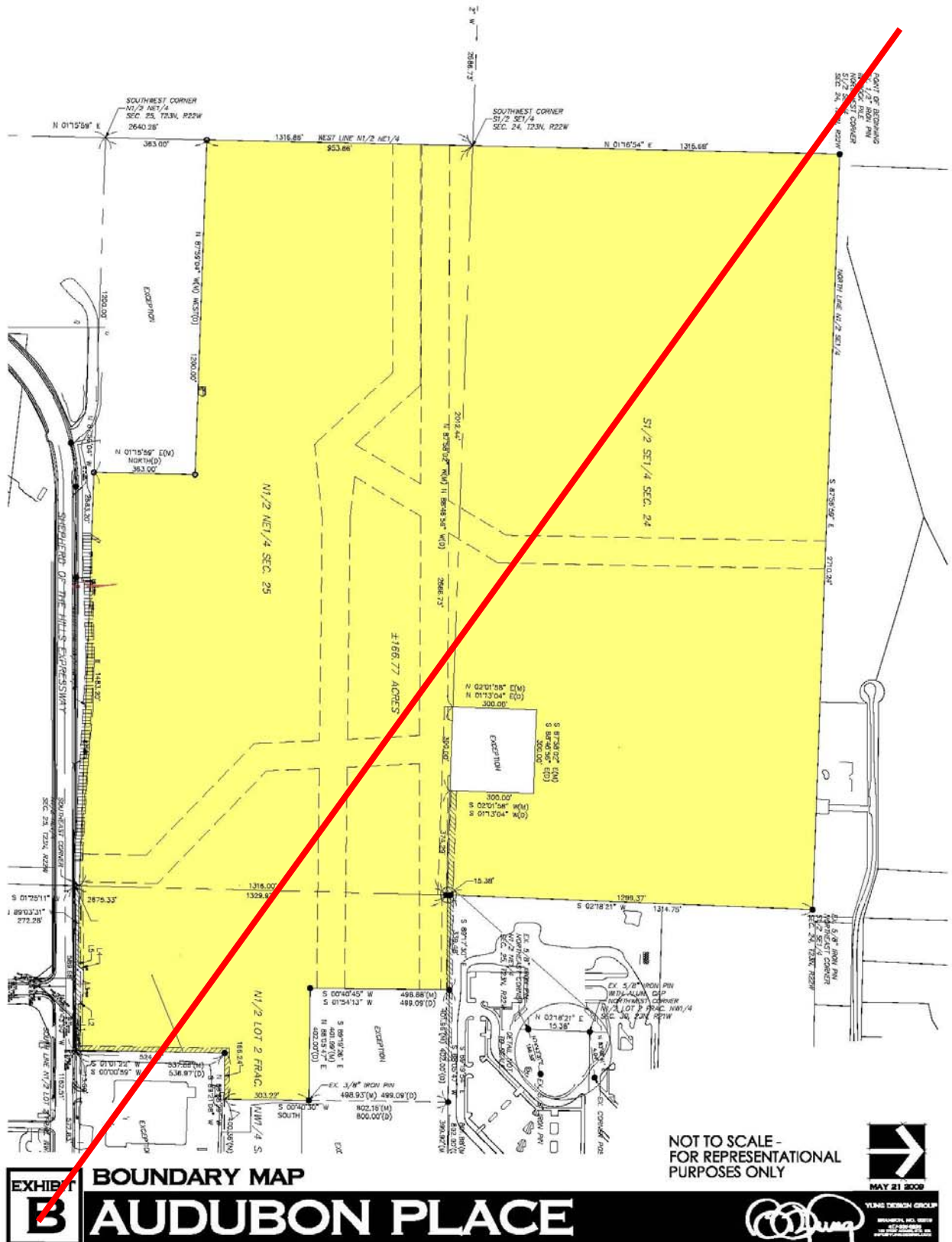
MASTERPLAN

AUDUBON PLACE / COVERED BRIDGE RESORT



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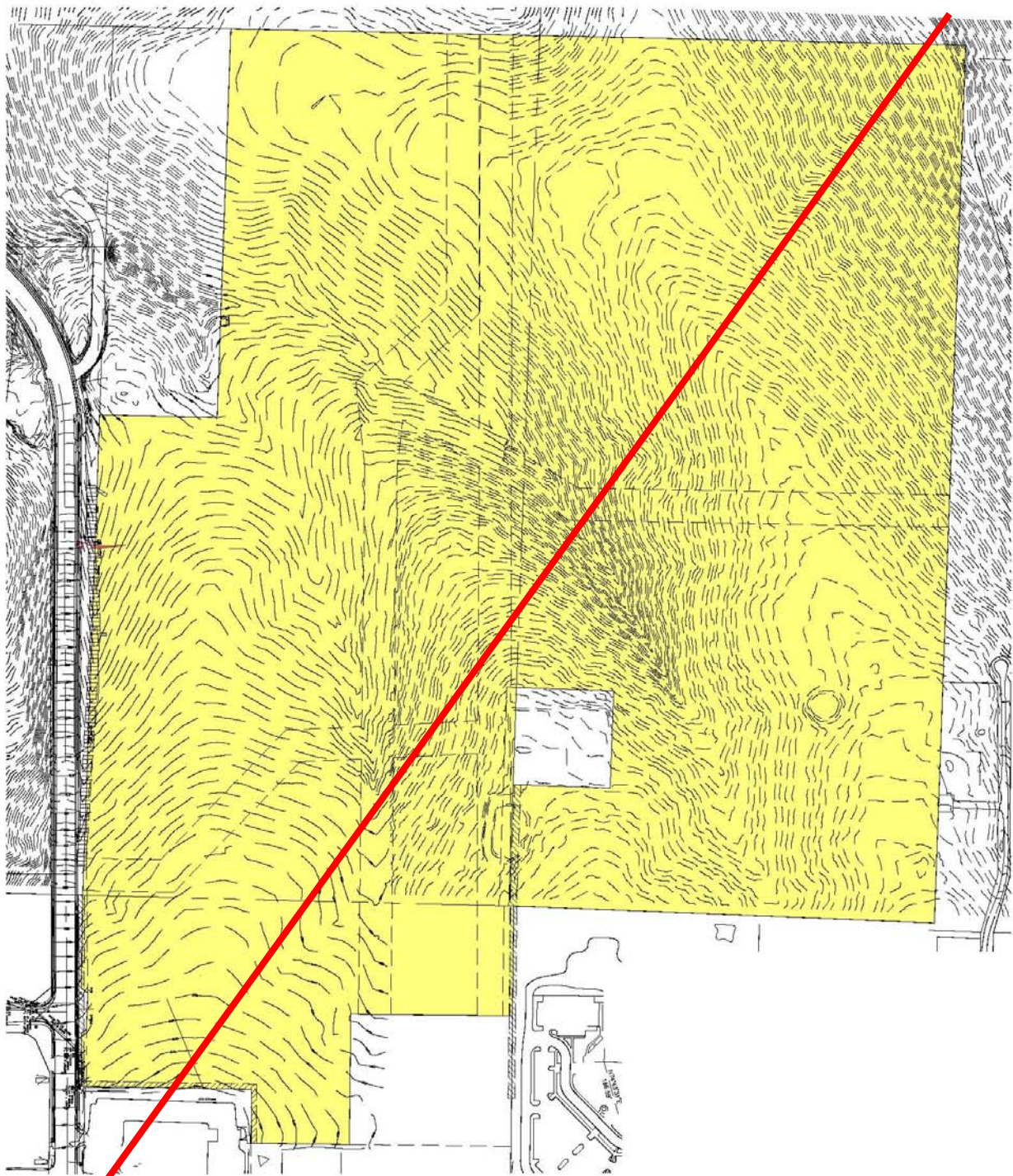


EXHIBIT B1 TOPO MAP
AUDUBON PLACE

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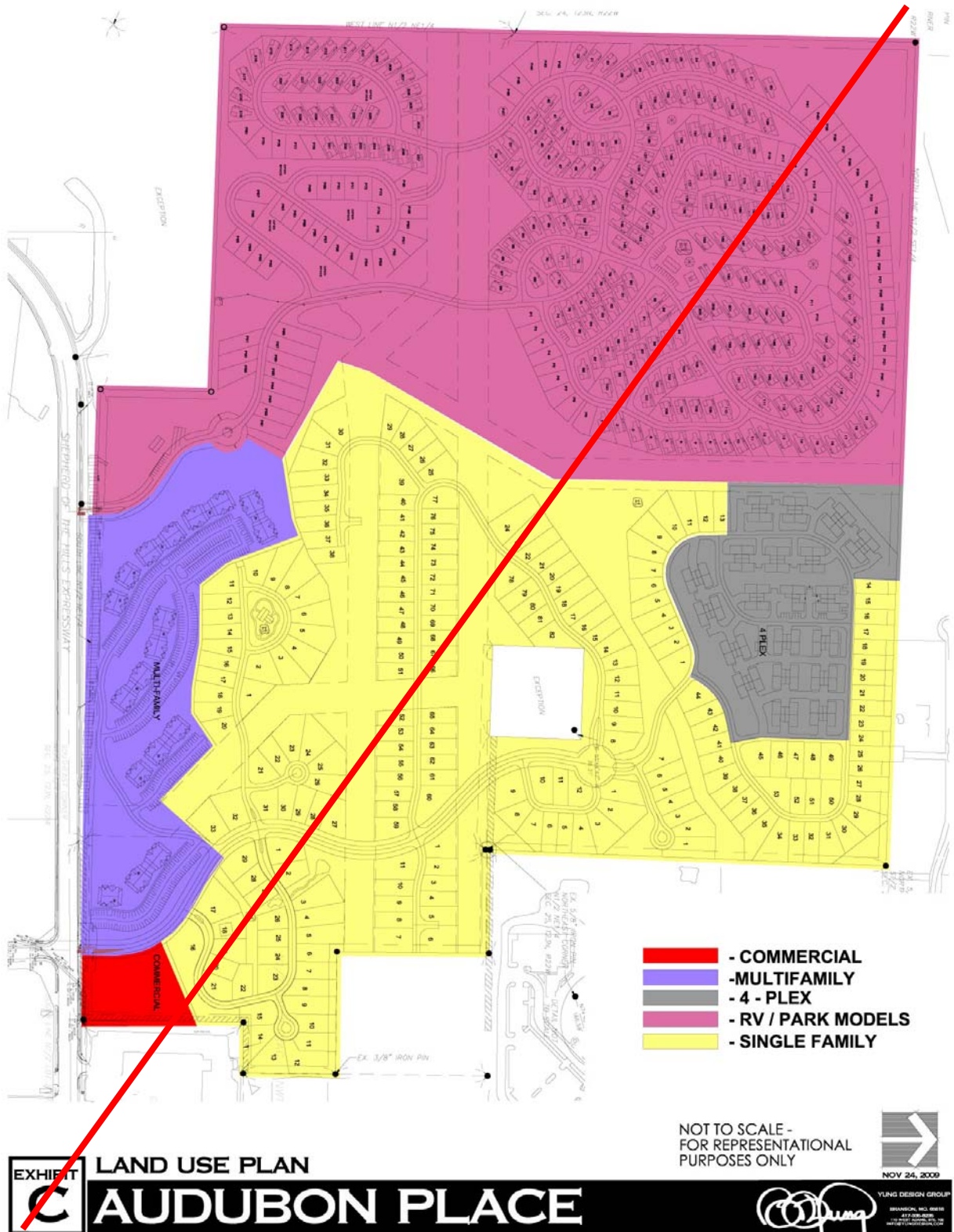


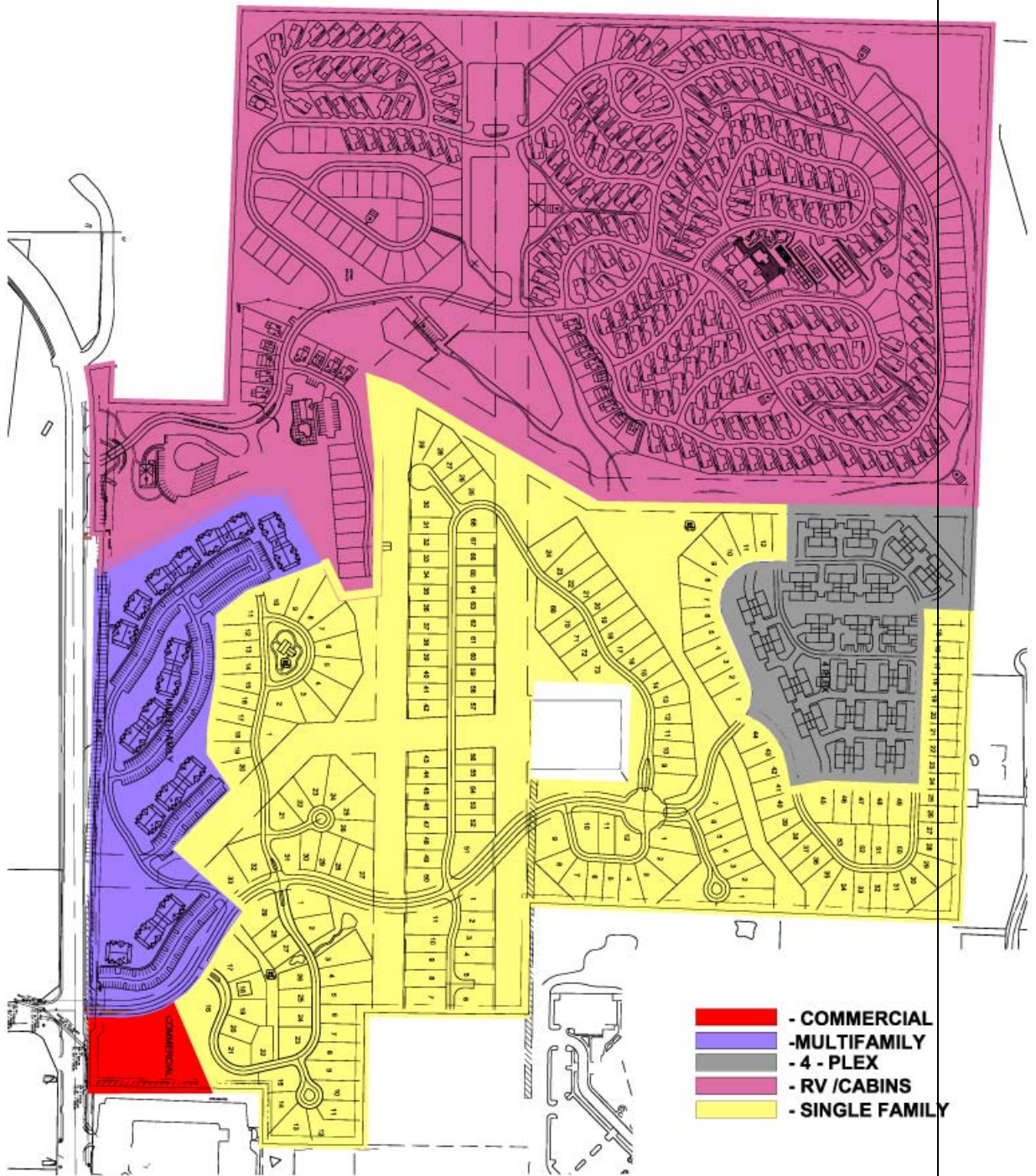
EXHIBIT
B1 **TOPO MAP**

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LAND USE PLAN

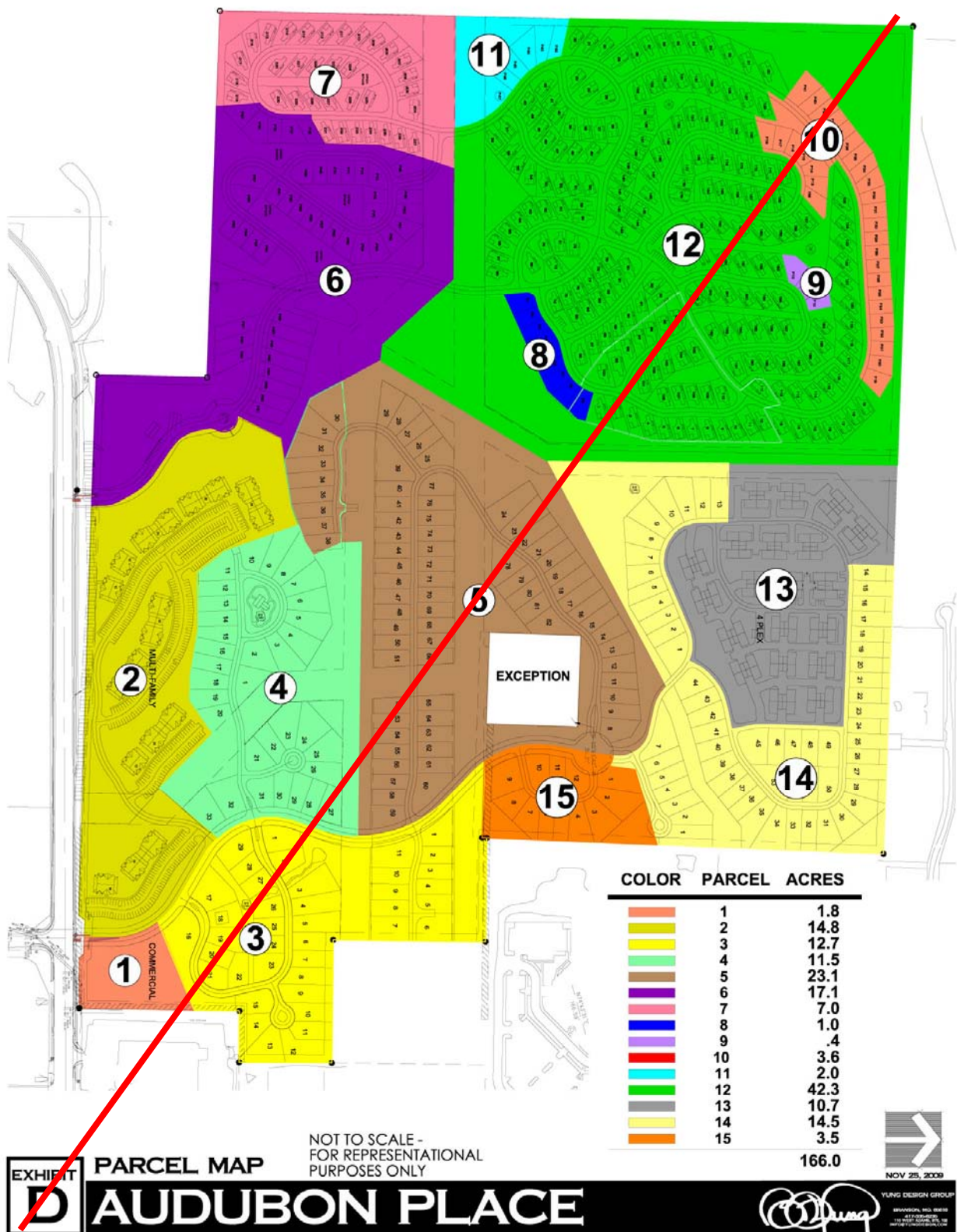
AUDUBON PLACE / COVERED BRIDGE RESORT

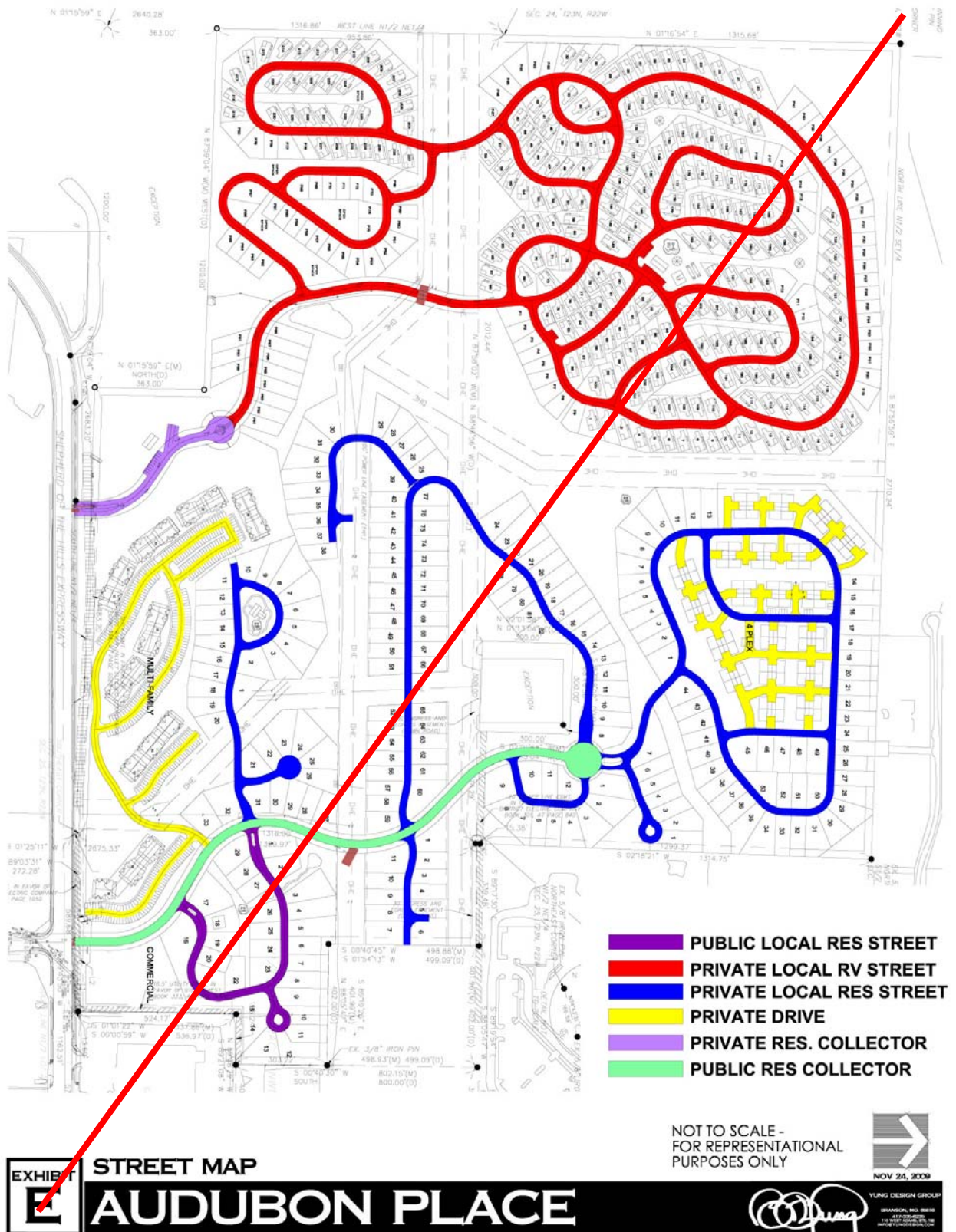


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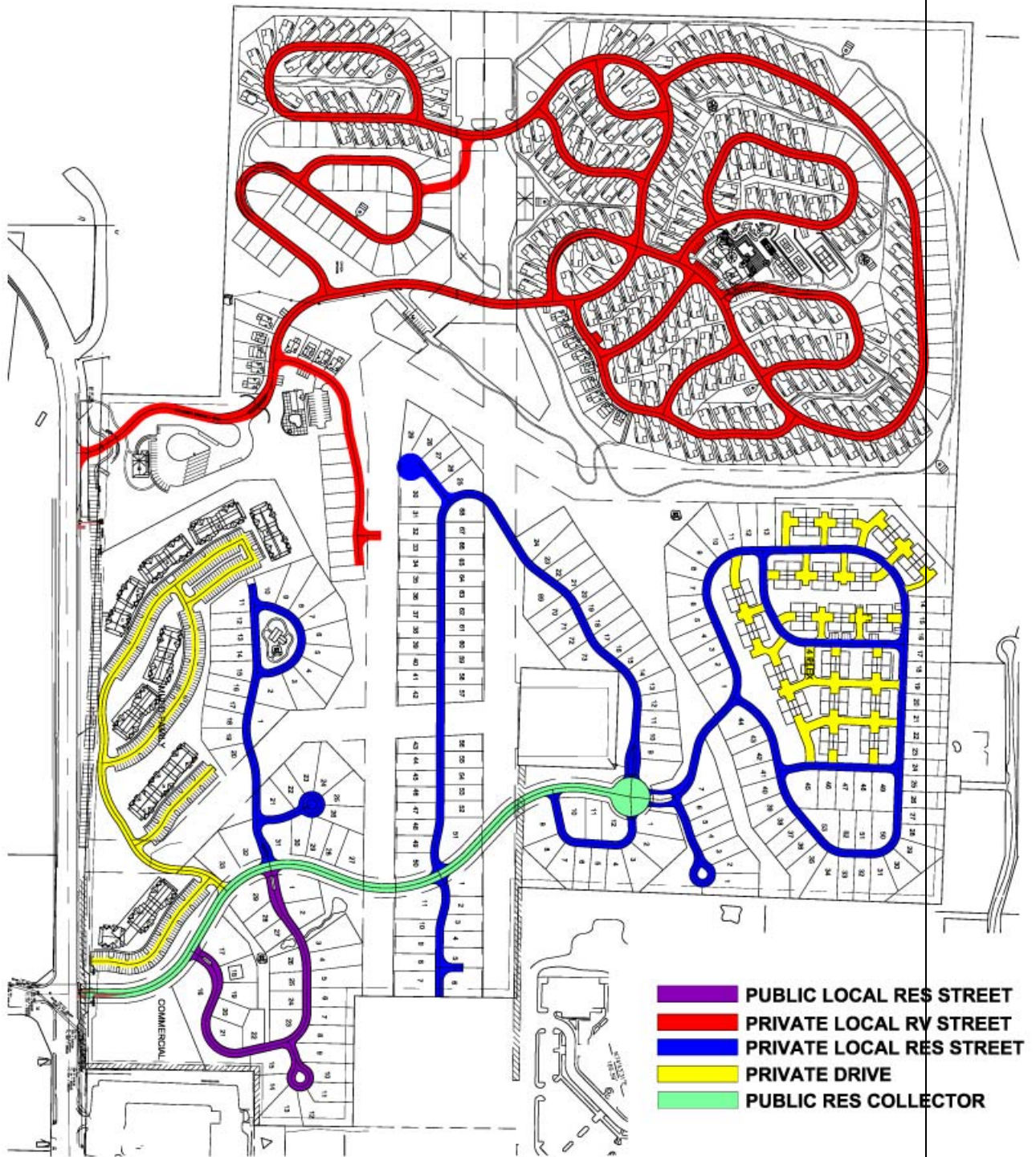


EXHIBIT
E

STREET MAP

AUDUBON PLACE / COVERED BRIDGE RESORT

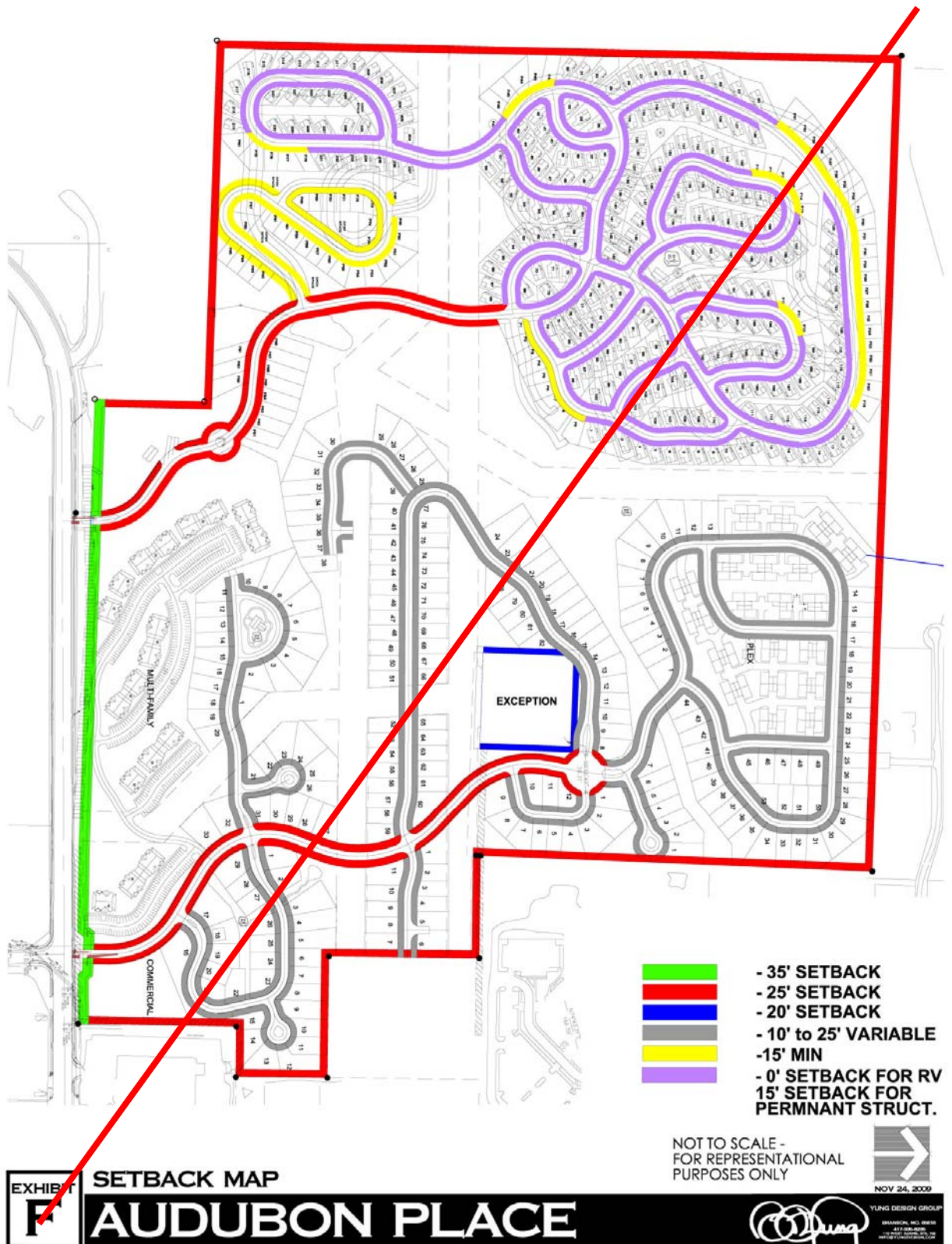
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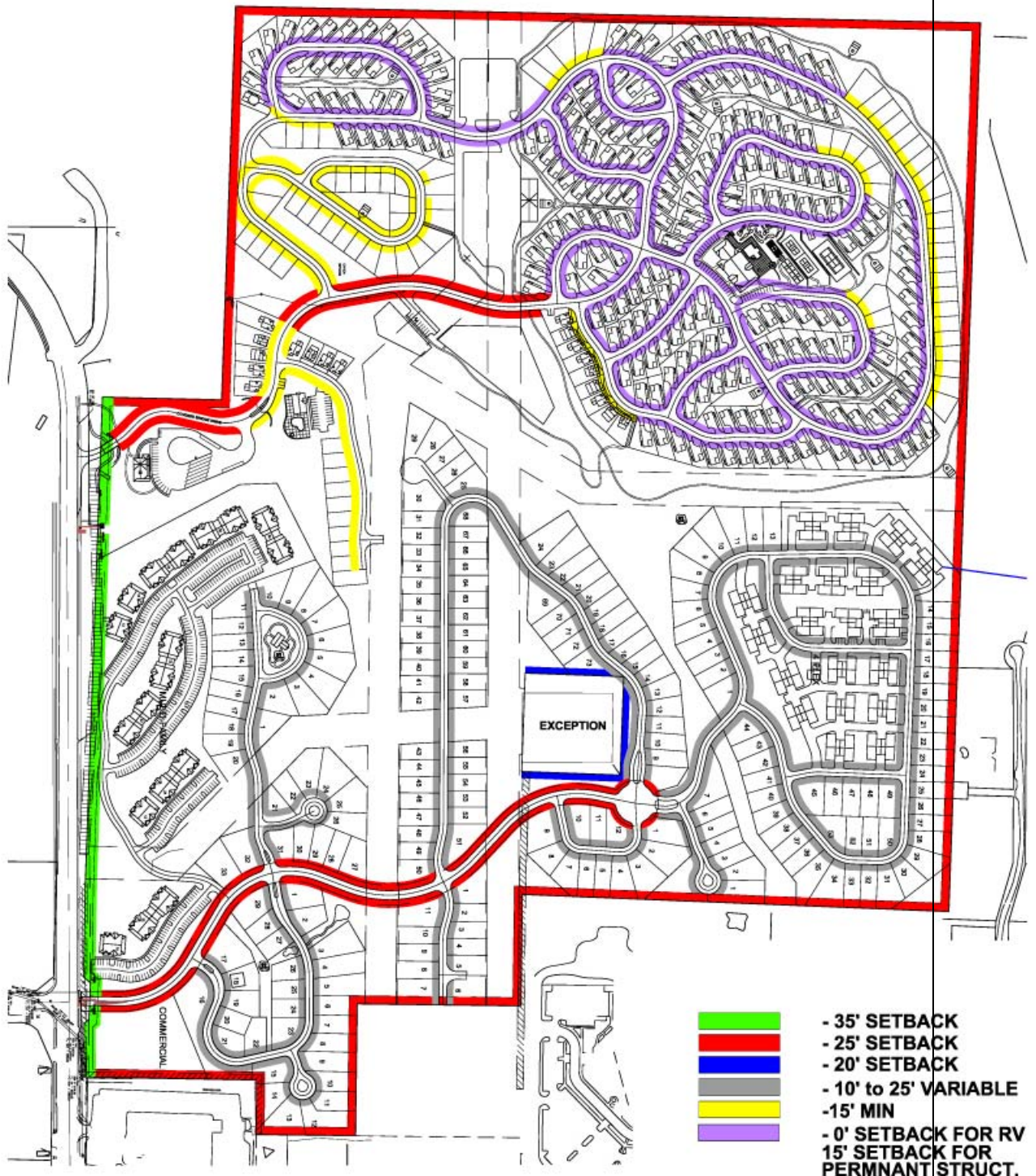


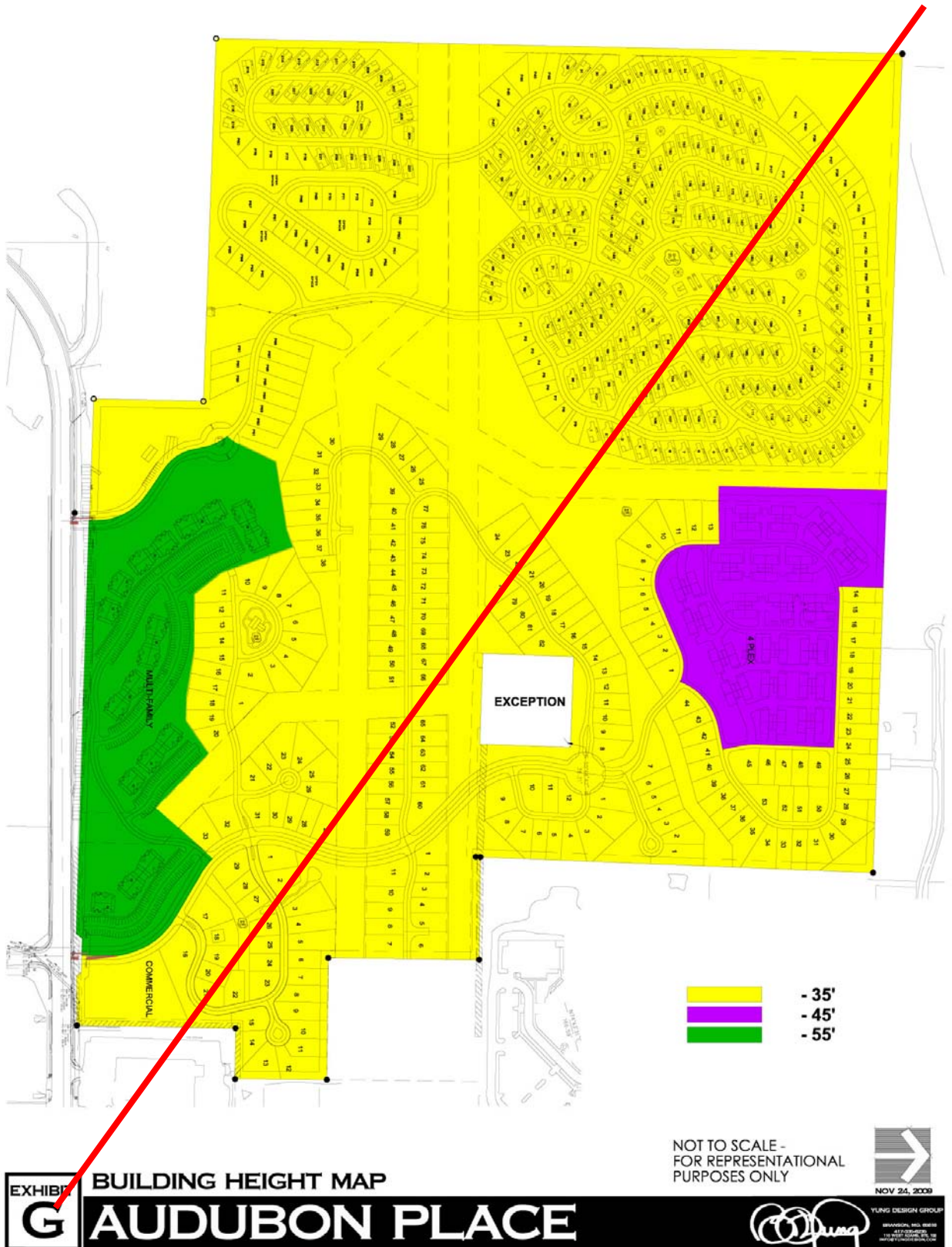
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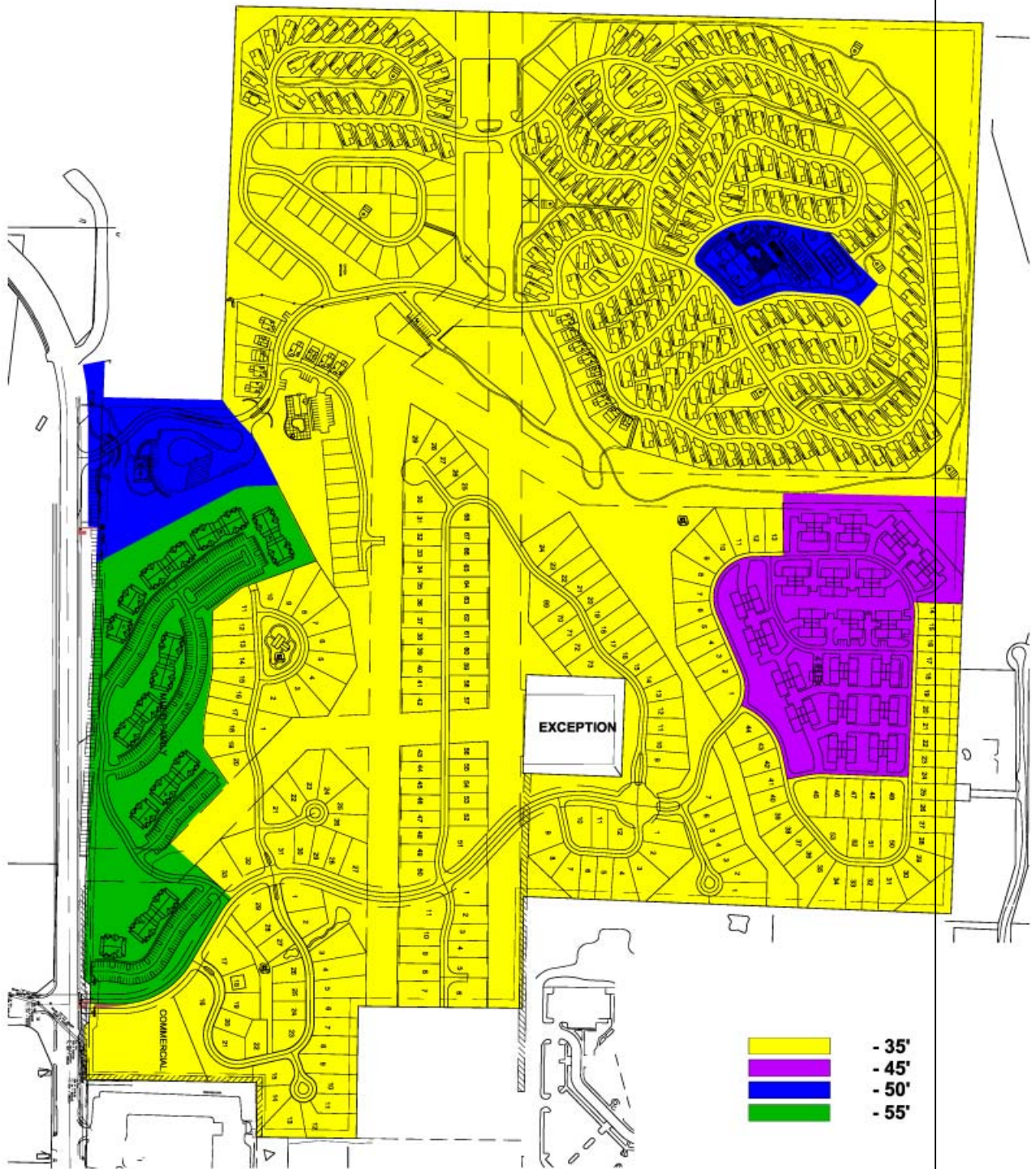


EXHIBIT
G

BUILDING HEIGHT MAP

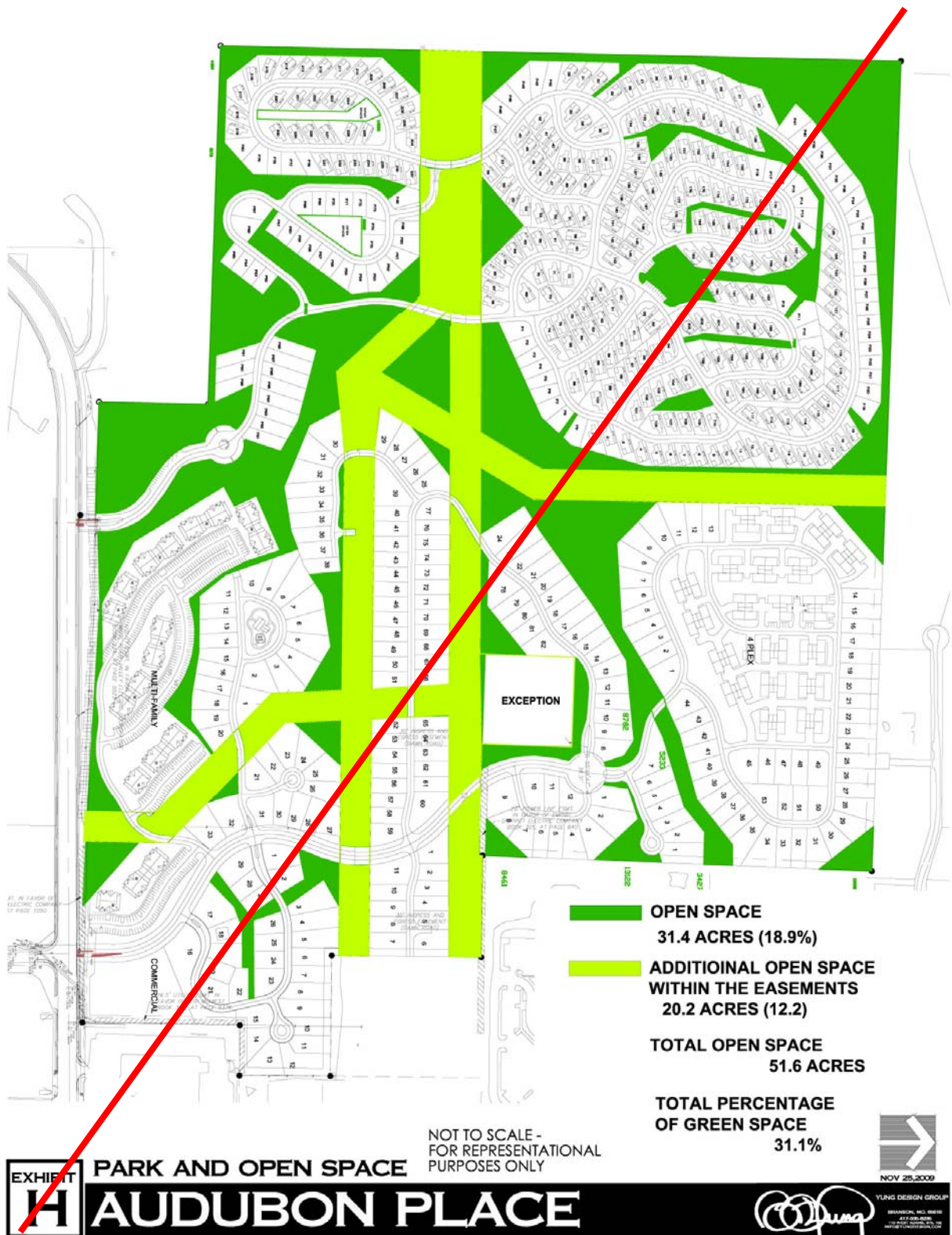
AUDUBON PLACE / COVERED BRIDGE RESORT



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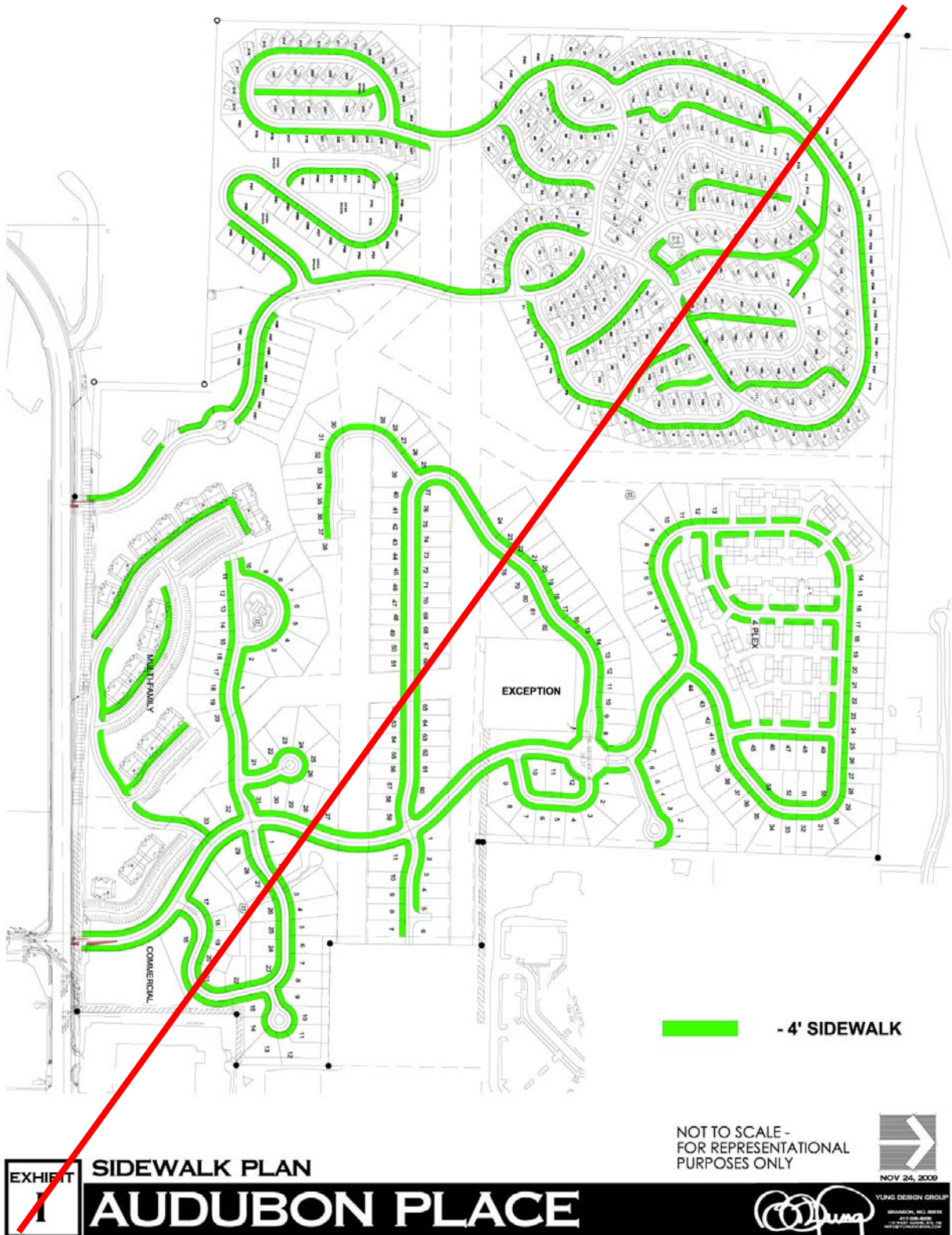
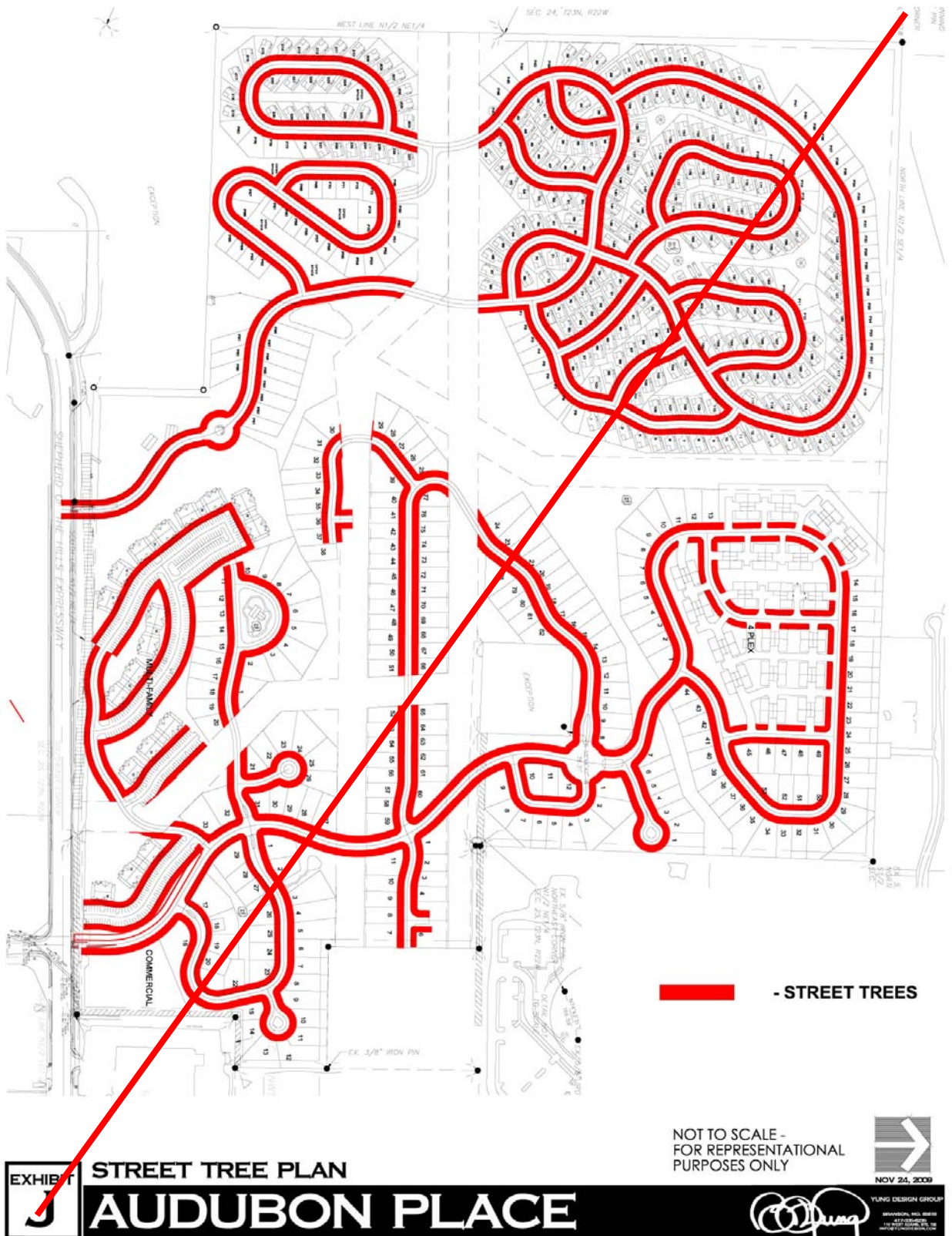


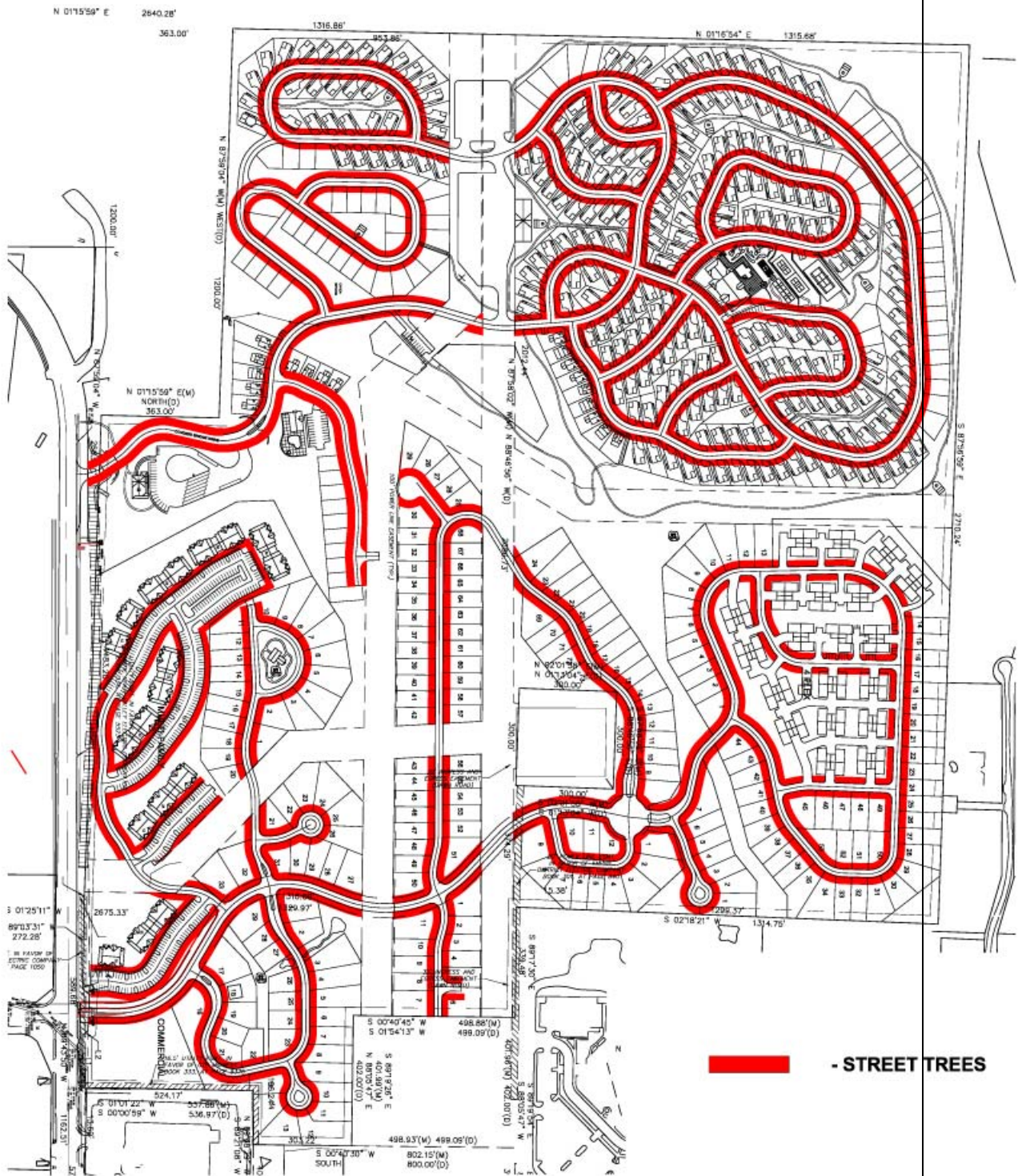


EXHIBIT
I

SIDEWALK PLAN
AUDUBON PLACE / COVERED BRIDGE RESORT

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- STREET TREES

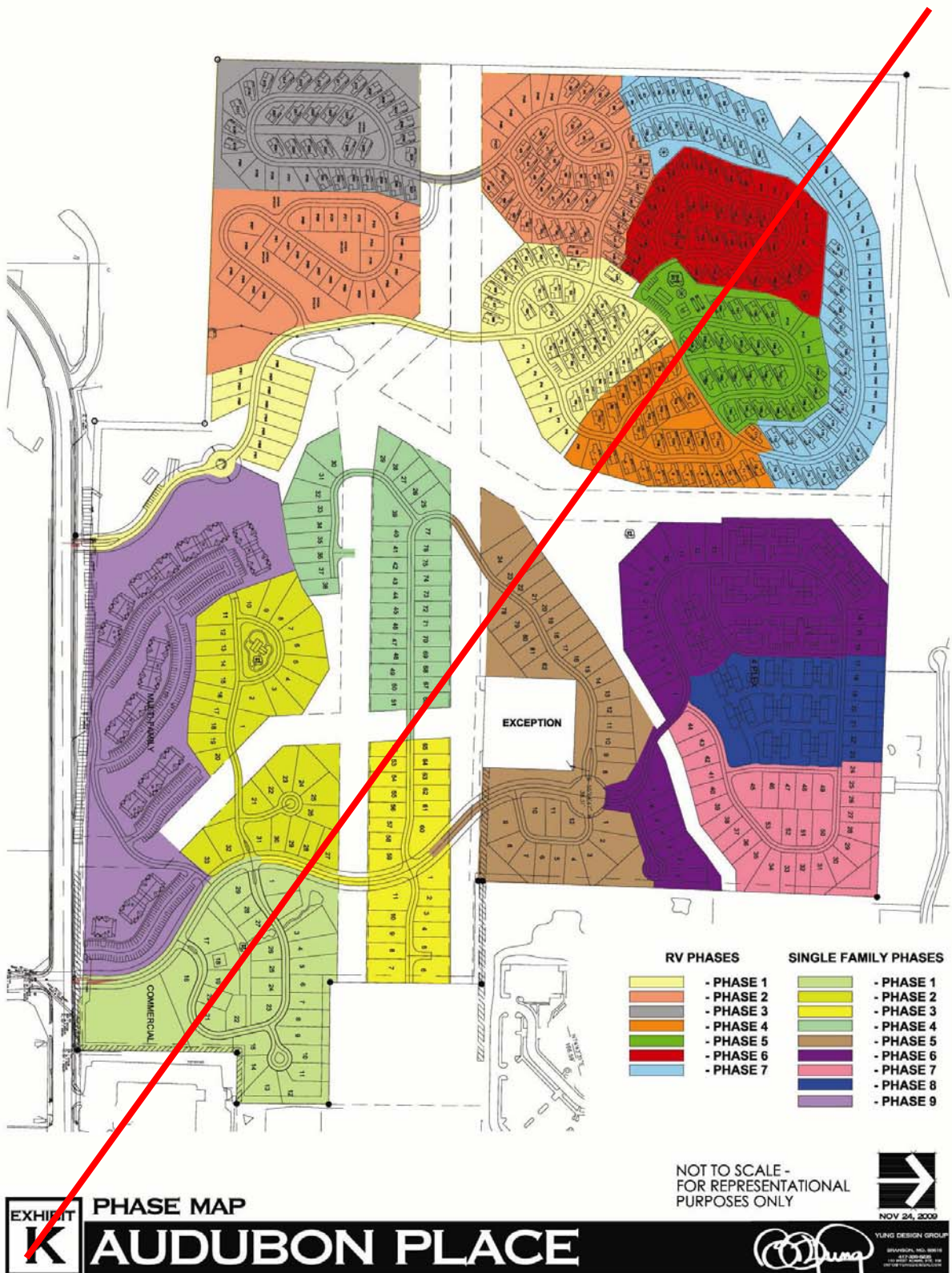
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FOR REPRESENTATIONAL
PURPOSES ONLY



EXHIBIT
J

STREET TREE PLAN
AUDUBON PLACE / COVERED BRIDGE RESORT





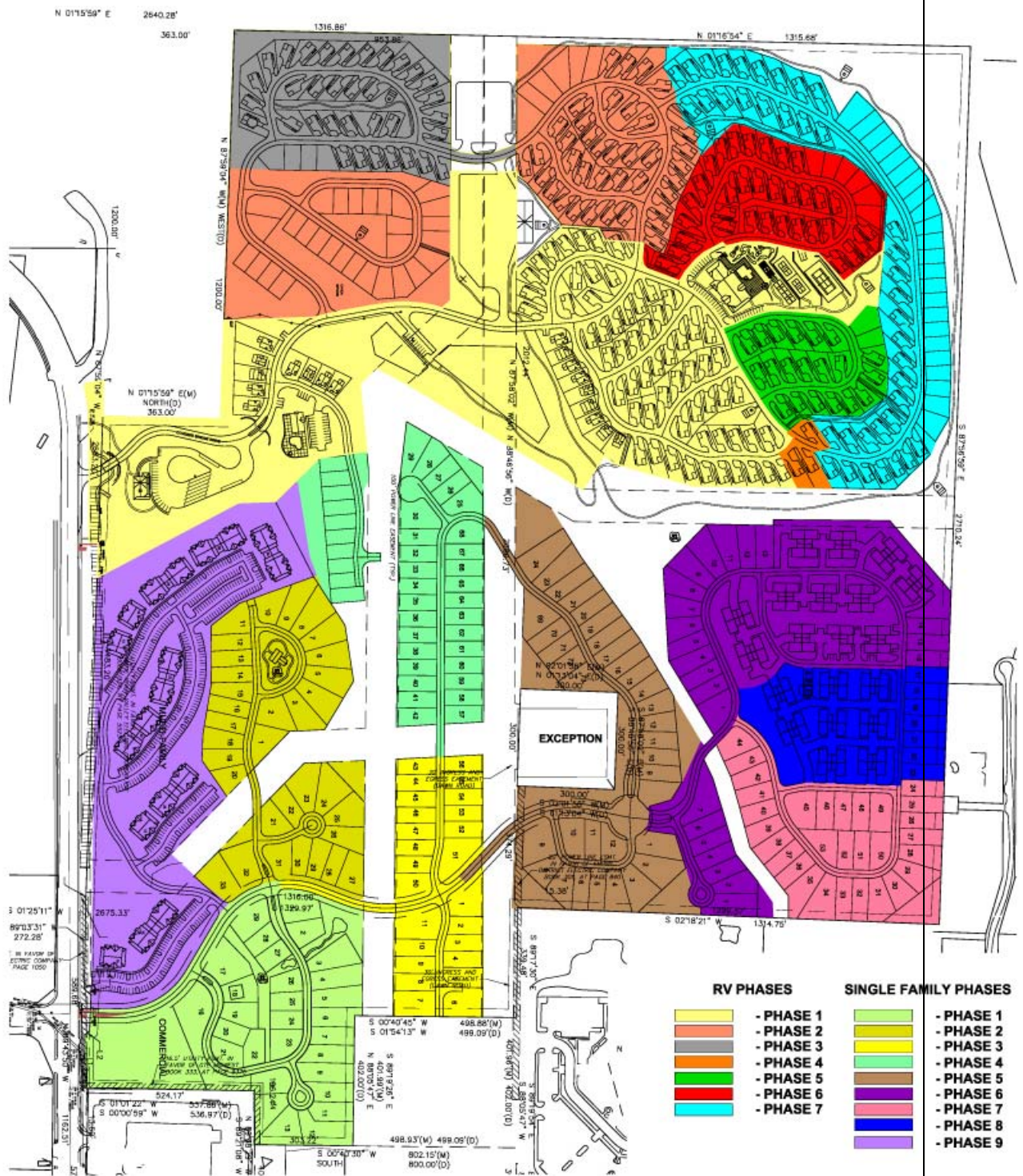


EXHIBIT
K

PHASE MAP

AUDUBON PLACE / COVERED BRIDGE RESORT



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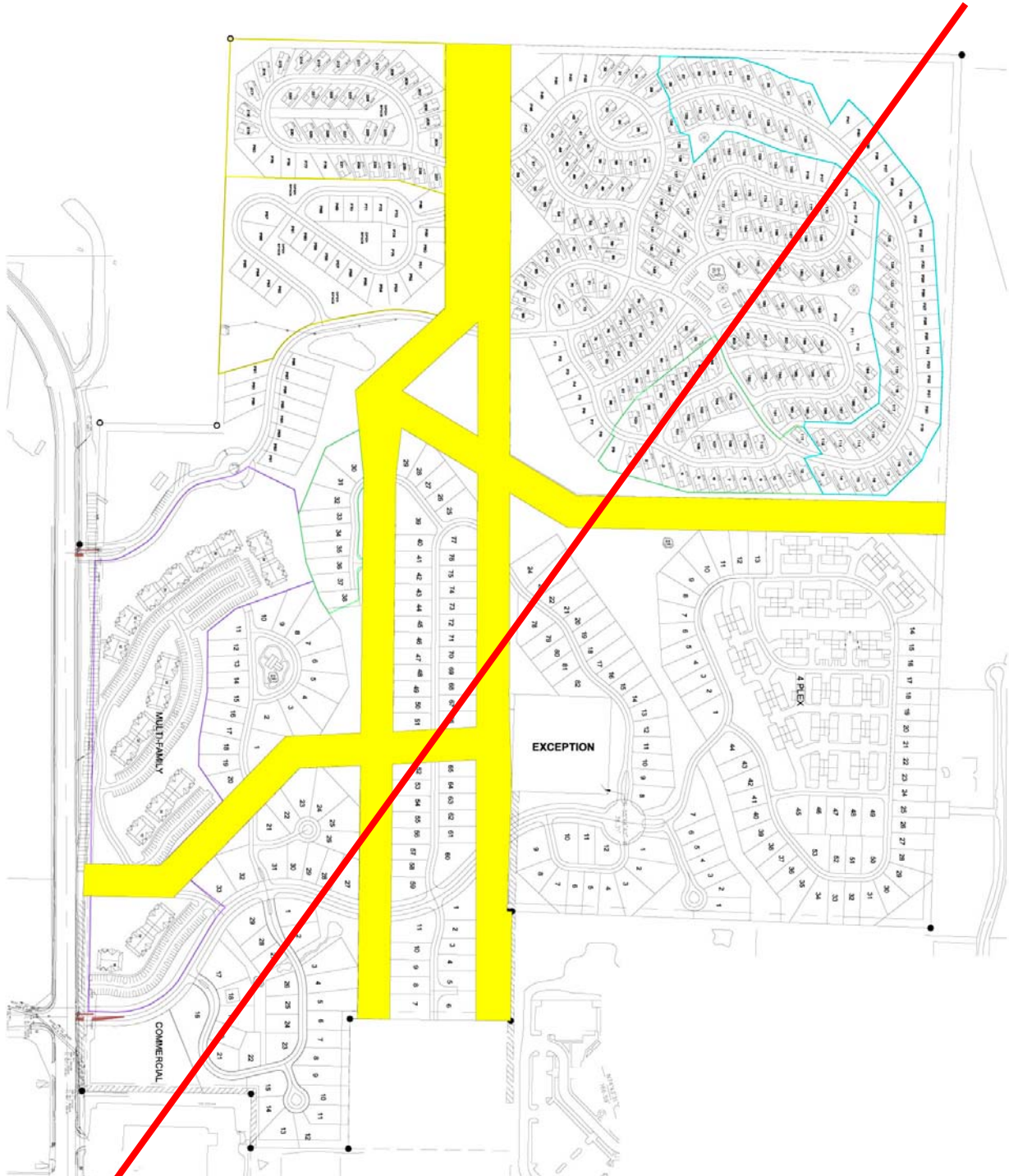
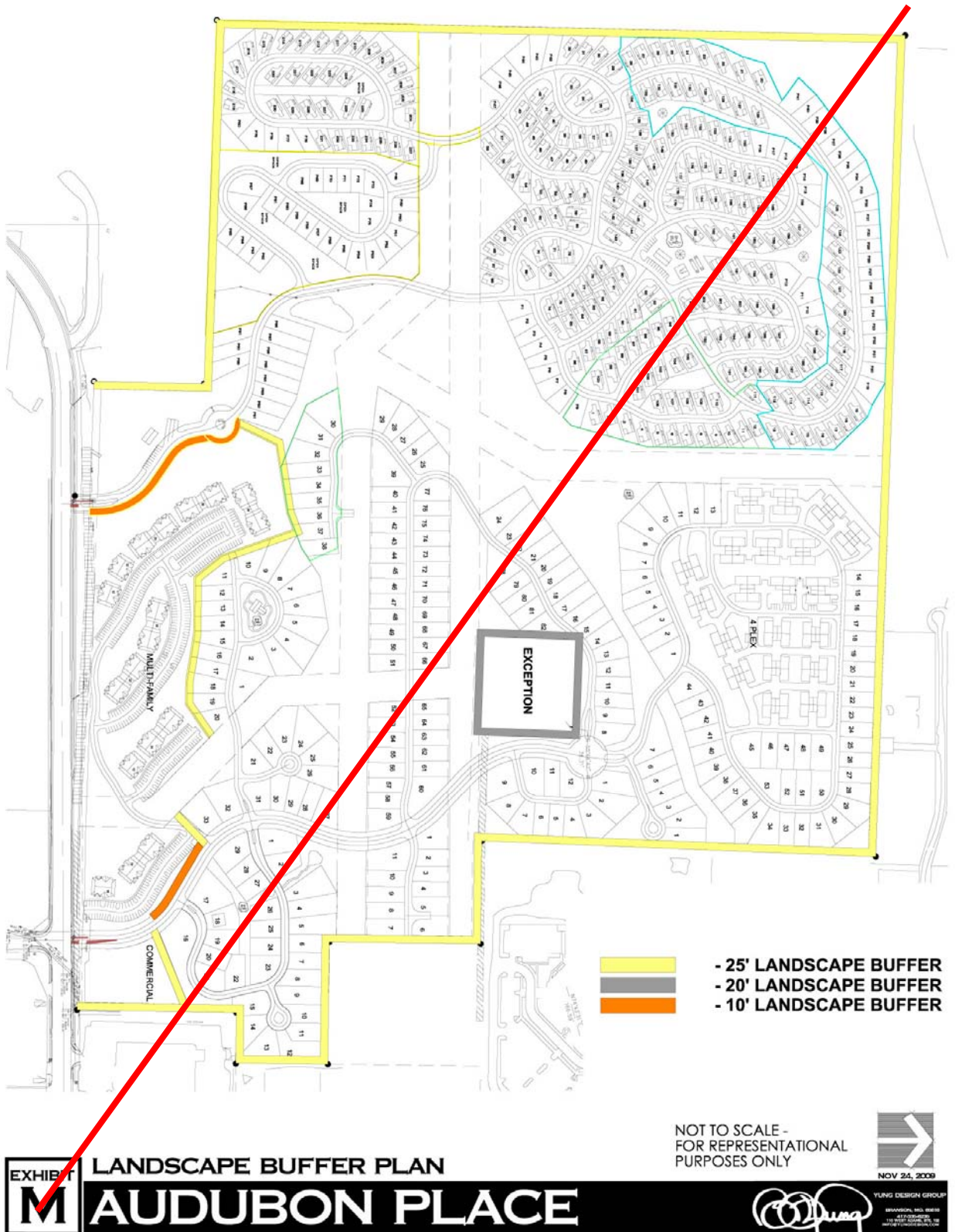
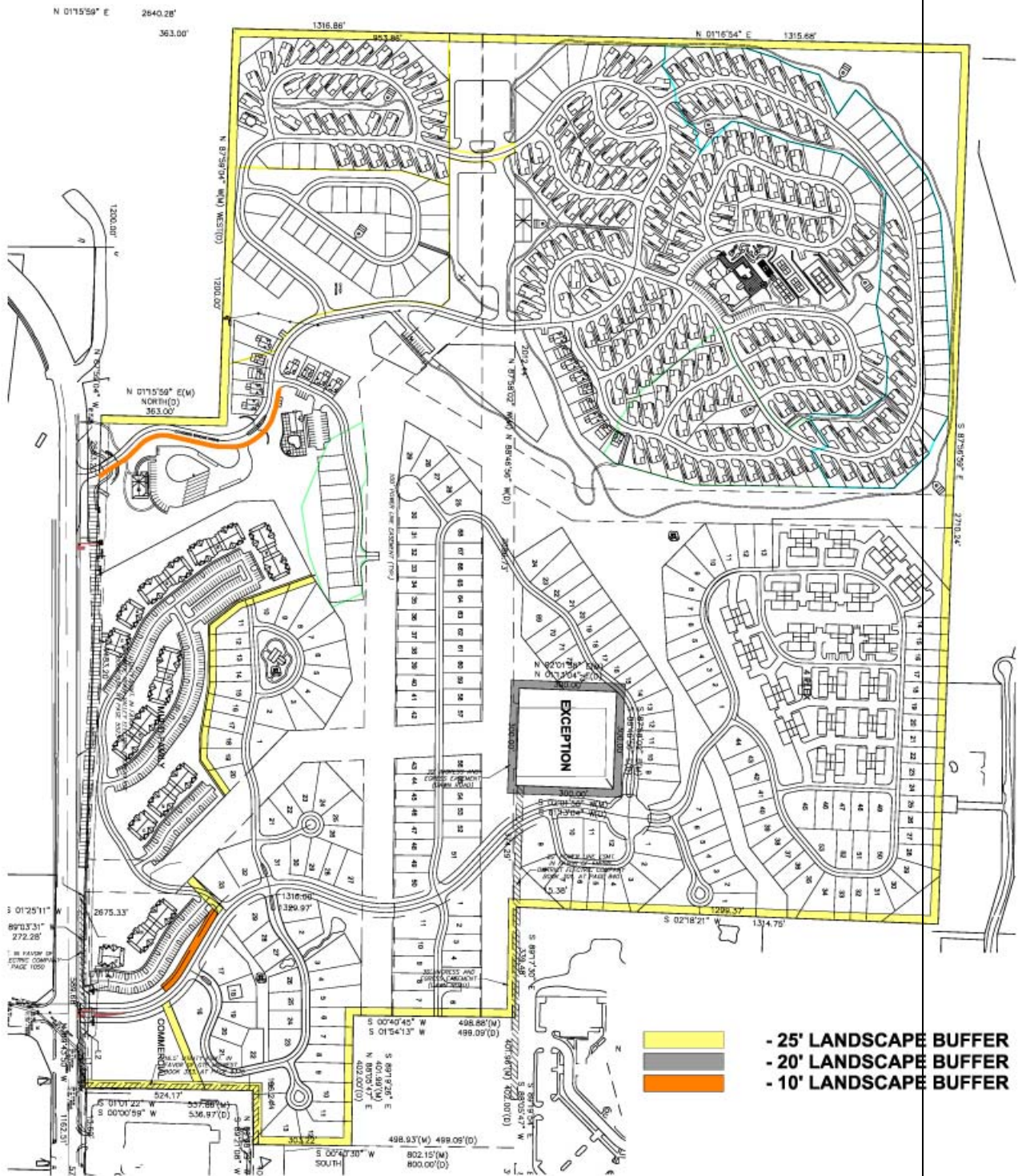


EXHIBIT L **EXISTING UTILITY EASEMENTS**
AUDUBON PLACE

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EXHIBIT
M

LANDSCAPE BUFFER PLAN

AUDUBON PLACE / COVERED BRIDGE RESORT



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COVERED BRIDGE RENDING

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CLUBHOUSE RENDERING

AUDUBON PLACE / COVERED BRIDGE RESORT

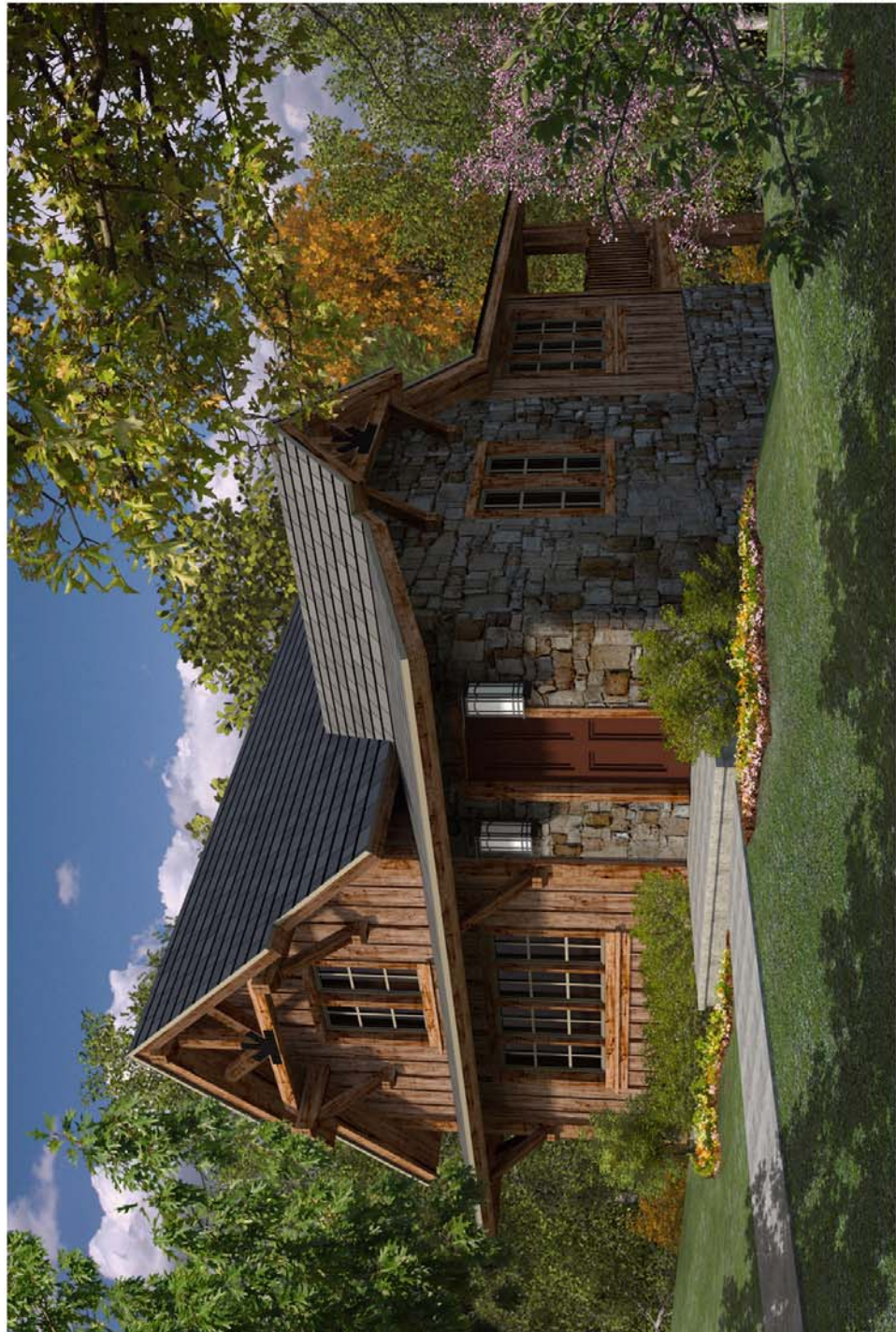
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TYPICAL CABIN RENDERING

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EXHIBIT
R

SALES CENTER / GENERAL STORE

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RV PAD RENDERING

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SILVER OPTION



GOLD OPTION



PLATINUM OPTION

PAD SITE DEVELOPMENT OPTIONS

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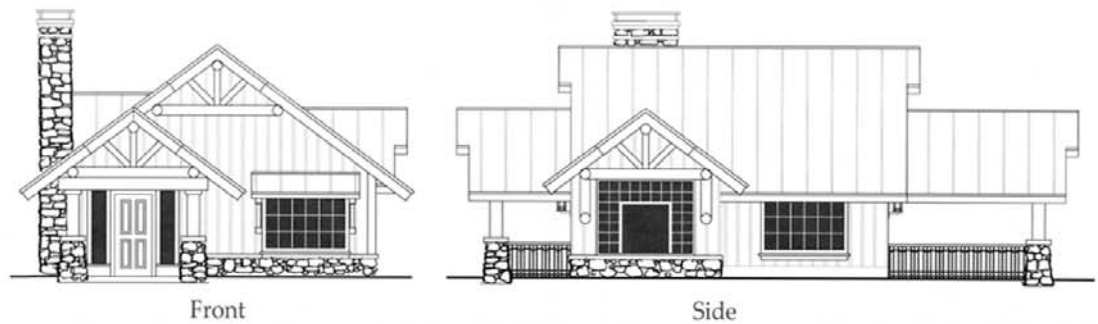
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A
Cabin Color Option A



Cabin Elevation 1



Cabin Elevation 3



COVERED BRIDGE CABIN ELEVATIONS

AUDUBON PLACE / COVERED BRIDGE RESORT

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CLUBHOUSE ELEVATION



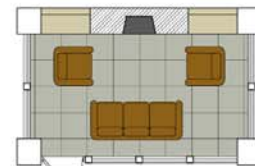
FRONT ELEVATION - SALES CENTER/GENERAL STORE



REAR AND SIDE ELEVATIONS - SALES CENTER/ GENERAL STORE



CASITA ELEVATIONS



CASITA FLOOR PLAN

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COVERED BRIDGE ELEVATIONS

AUDUBON PLACE / COVERED BRIDGE RESORT



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